

NEW YORK

Floyd A. Puffer, Inlet.

PENNSYLVANIA

James F. O'Brien, Allison Park.
Daniel J. McDonough, Ardmore.
Thomas P. Noon, Ashland.
Ard B. Carson, Belleville.
Beulah E. Hayden, Dalton.
Alice E. Shoemaker, Fayetteville.
Anna F. Martin, Gordon.
Clarence R. Baker, Hollsopple.
John M. Langan, Moscow.
Alfred Yeiser, Palmyra.
Wilson C. Reider, Shickshinny.
Charles J. Trexler, Windgap.

TEXAS

Clinton C. Burgess, Baytown.
Edward F. Gaston, Dayton.
Leonard B. Baldwin, Huntsville.
Willie B. King, Navasota.
George A. Reading, Richmond.
Fordyce C. Woodward, Santa Anna.
John N. Snell, Jr., Sunset Heights.

HOUSE OF REPRESENTATIVES

SATURDAY, JUNE 9, 1934

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D.D., offered the following prayer:

Almighty God, who fills heaven with His presence and majesty and glory and from whom love never goes out, we pray to Thee. We thank Thee that the goodness of the Lord is our portion forever. Thy words that have seemed as vanishing as the perfume of a dying flower proves eternal. Should we fail of the blessing that the whisper of the Lord is with them that fear Him, forgive and help and come with us. O river of God, flow along our pathway; go about the places where our feet stray and add twilights when the splendor of the West lingers in the open sky. Blessed Heavenly Father, we are in the throes of sorrow. One of our circle has left us in all the plenitude of his personal honors. He yielded pride, vanity, and leisure—everything except honor and truth, fidelity and friendship. O God, reason sometimes staggers—do Thou support us. O Thou whose throne is mercy, whose face is light, and whose name is love, comfort the loved ones in this their darkest hour. Smite the black shadow and the iron fate and count them as Thy beloved children until they, too, fall asleep in the arms of perfect peace. Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. BYRNS. Mr. Speaker, I ask unanimous consent that the reading of the Journal be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. Without objection, the Journal will stand approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4337. An act to amend the Judicial Code by adding a new section to be numbered 274D.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3618. An act to grant a portion of the Fort Douglas Military Reservation to the University of Utah, Salt Lake City, Utah; and

S. 3741. An act to convey certain lands to the State of South Dakota for public-park purposes, and for other purposes.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House of the following titles:

H.R. 541. An act for the relief of John P. Leonard;

H.R. 2439. An act for the relief of William G. Burres, deceased; and

H.R. 3032. An act for the relief of Paul Jelna.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill of the Senate (S. 3285) entitled "An act to provide for the regulation of interstate and foreign communications by wire or radio, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 74. An act to authorize payment of expenses of formulating claims of the Kiowa, Comanche, and Apache Indians of Oklahoma against the United States, and for other purposes;

S. 870. An act for the relief of L. R. Smith;

S. 2138. An act for the relief of Charles J. Webb Sons Co., Inc.;

S. 3443. An act to provide for the creation of the Pioneer National Monument in the State of Kentucky, and for other purposes;

S. 3502. An act authorizing the Oregon-Washington Bridge board of trustees to construct, maintain, and operate a toll bridge across the Columbia River at or near Astoria, Oreg.; and

S. 3615. An act authorizing the county of Wahkiakum, a legal political subdivision of the State of Washington, to construct, maintain, and operate a bridge and approaches thereto across the Columbia River between Puget Island and the mainland, Cathlamet, State of Washington.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—DROUGHT RELIEF

The SPEAKER. The House has just received a message from the President of the United States which is very short. Arrangements have been made by the broadcasting companies to transmit the message by remote control to the drought-stricken States. The people there have been advised that this would be done at exactly 15 minutes past 12, and without objection, at 12:15 the Chair will suspend all business of the House until the President's message is read.

TO PROTECT LABOR IN ITS OLD AGE

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HASTINGS. Mr. Speaker, the subject of legislation to protect labor in its old age is of increasing interest, and I trust that a bill along this line will be enacted during the present session of Congress.

I have long been an advocate of such legislation, and inasmuch as my views have been erroneously stated in Oklahoma upon this important subject, I want to call attention to the fact that on February 1, 1934, I introduced a bill (H.R. 7556) to protect labor in its old age.

Many other bills of a like nature dealing with the same subject have been introduced and are pending before the House Committee on Labor. That committee has reported out a bill, H.R. 8641, introduced by its chairman, Mr. CONNERY, which, in many respects, is similar to the bill which I introduced. Both of these bills provide for the creation in the Department of Labor of a bureau to be known as the "Old Age Security Bureau", to administer the act,

which provides that the Government shall contribute one-third of the total sum paid to aged persons under the laws of the States or Territories which have old-age assistance laws. This contribution by the Federal Government shall be subject to certain conditions and limitations as set out in the act. The bill calls for an annual appropriation of \$10,000,000, to be apportioned among the States and Territories to aid them in giving assistance to aged persons under the conditions of the act.

The report indicates that 28 States and 2 Territories now have old-age pension laws, and I am sure that with the enactment of Federal legislation every State will be encouraged to enact similar legislation and take advantage of the Federal contribution.

Several days ago my attention was invited to a report in an Oklahoma paper published in Oklahoma City, which made the broad statement that I was opposed to old-age pension legislation. The erroneous statement was perhaps made because of the controversy over the age limit at which pensions should begin. The Representative from Oklahoma insisted that old-age pensions should begin at the age of 50. I informed the Representative from Oklahoma that the bill which I had introduced provided that cooperation by the Government with the States, provided that a pension should begin at the age of 65, and that I did not believe there was any sentiment in Congress favorable to old-age pension legislation where the pension should begin at the age of 50, and that if the representative of the pension organizations was anxious for favorable legislation, those interested in it should cooperate in an effort to secure legislation which should provide for pensions beginning at a higher age.

The bill reported by the House Committee on Labor provides for old-age assistance beginning at the age of 65 years. The bill which I introduced extends assistance beginning with that age. The bill as reported provides for cooperation by the States, and the bill which I introduced contains a similar provision.

This question is of such tremendous importance and I am so earnestly interested in its favorable consideration, inasmuch as I am about to retire from Congress, that I did not want the information to be sent out through Oklahoma that I was opposed to old-age pension legislation. Whether enacted during the present session, or whether it be postponed, such legislation is sure to be enacted. The Federal Government should cooperate with the several States and through such contributions old age should be assured of protection.

The plan which I have submitted has many provisions in common with the plan reported by the House Committee on Labor. This legislation has proved beneficial in the 28 States that have enacted it, and I feel sure that similar legislation will be favorably considered in the remaining States at an early date.

In view of my record in favor of old-age pensions and the statements which I have made throughout my district from time to time it is inconceivable that such an erroneous statement that I am opposed to old-age pension legislation should be circulated.

The bill which I have introduced provides that any beneficiary shall be a resident of the State, over 65 years of age, not possessed of real estate or personal property in excess of the value of \$1,000, with an annual income of not more than \$240, and with no child or other person able to support him.

This is humane legislation and strongly appeals to me. It should receive the favorable consideration of Congress.

LETTER OF THE SECRETARY OF WAR TO THE PRESIDENT WITH REFERENCE TO PROPOSED COMPREHENSIVE PLANS OF WATERWAY IMPROVEMENTS

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to embrace therein a letter written by the Secretary of War to the President in reference to waterway improvements.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MANSFIELD. Mr. Speaker, under permission to extend my remarks in the Record, I desire to present the letter of the Secretary of War to the President, dated April 20, 1934, in reference to the proposed waterway improvement plans then under consideration.

I desire particularly to call attention to that portion of Secretary Dern's letter making reference to so-called "pork-barrel" legislation. From his letter it will be seen that this practice has been completely eliminated from congressional procedure with reference to river and harbor improvements as carried out by the Corps of Engineers of the War Department. Secretary Dern's letter very admirably states the situation, and I desire to call it to the especial attention of the Members of the House. It is as follows:

APRIL 20, 1934.

Mr. PRESIDENT: With strong mental reservations I have signed the foregoing report because it seems to be about as good a literal compliance with your directive as can be expected from the committee at this time. While assuring you of hearty cooperation in whatever program may be adopted, I do not concur in the report in all respects, and I respectfully submit the following comments, information, and suggestions:

1. Notwithstanding the fact that you requested this committee to submit a list of 10 most desirable projects to be given priority in an improvement program, I feel that the committee should caution you against such a method of procedure, because:

(a) The selection of 10 projects at this time, either by this committee or by the National Planning Commission, cannot be based on sufficient knowledge of the subject, and must, therefore, be haphazard and hard to defend. It would, therefore, invite criticism and controversy, which ought to be avoided so far as possible at the beginning of a grand plan such as you have in mind. In other words, I fear that the proposal might prove politically inexpedient. The tactics of the campaign for such a fine, new, constructive conception should be carefully considered so as to anticipate and avoid unnecessary resistance.

(b) It does not comply fully with the directive of Congress "to send to the Senate a comprehensive plan for the improvement and development of the rivers of the United States, with a view of giving to Congress information for its guidance in legislation which will provide for the maximum amount of flood control, navigation, irrigation, and development of hydroelectric power."

(c) It might cause a reversion toward pork-barrel and logrolling methods of authorizing projects in Congress, which have now been substantially eliminated. It is my understanding that pork-barrel legislation is exactly what you want to head off, and I assume that you will welcome the views of the committee as to the best way to accomplish your purpose.

Some years ago river and harbor projects used to be regarded as the most notorious examples of congressional logrolling. A great many persons do not yet know that Congress has cleaned house in this respect and that such projects are now actually on a merit basis and that the present system is open to very little criticism.

(d) It ignores the fact that the data are available right now for the preparation of a comprehensive plan in full compliance with the request of Congress. The compilation of these data has been one of the most noteworthy and praiseworthy achievements of the Corps of Engineers, acting in pursuance of law as an agency of the legislative branch. If you now wish to expand the study beyond the scope prescribed by Congress, the War Department will cheerfully and wholeheartedly cooperate with such other departments as may be able to make a contribution to the study. It would, however, be wasteful not to make the fullest possible use of the painstaking and intelligent work performed during the past 7 years. The Army Engineers have a familiarity with water-use problems that could not be acquired by any new group without years of intensive and continuous study. To supersede them now instead of seeking their cooperation would be an inefficient procedure.

The following information is submitted:

Senate Resolution 164 is substantially identical with a provision in the River and Harbor Act of January 21, 1927, which assigned to the Secretary of War and to the Chief of Engineers the duty of making surveys in accordance with House Document No. 308 (69th Cong., 1st sess.), with a view to the formulation of general plans for the most effective improvement of navigable streams of the United States and their tributaries for the purpose of navigation and development of water power, the control of floods, and the needs of irrigation. (Consideration of the Colorado River was precluded.) The Flood Control Act of May 15, 1928, amplifies this duty with respect to the tributaries of the Mississippi River.

Pursuant to the above-mentioned congressional mandate, the Corps of Engineers has been engaged in this work for 7 years and has expended upward of \$10,000,000 thereon. National planning for putting the waters of the United States to the highest beneficial use is therefore well under way, so far as assembling the basic data is concerned. It was initiated by Congress, which constituted the Secretary of War and the Chief of Engineers as its agent in finding the facts upon which it might act. They are required by law to report their findings to Congress, but this provision does not make it inconsistent for them to supply the information to you, so as to enable you to comply with Senate Resolution 164.

The reports on a majority of these surveys have been transmitted to Congress. The remaining reports are in preparation, but sufficiently advanced to permit all necessary information to be concisely tabulated so as to set forth the elements of a comprehensive plan for the improvement of the rivers and harbors of the United States. The Secretary of War and the Chief of Engineers can, within a very short time, prepare for you a comprehensive plan such as Congress has requested.

The work of the Corps of Engineers in assembling these data has been, by congressional mandate, restricted to navigation, hydroelectric power, flood control, and irrigation. If it is desired to add studies on stream pollution, soil erosion, reforestation, recreation, and sociological plans, these can be superimposed upon the data already submitted without conflict. If any field work or research has been carried out by any agency of the Government on these additional factors, these data can simultaneously be submitted to Congress by you, together with your own recommendations.

I have been trying to make up my mind whether all elements of a program of national planning should be combined in one plan. I do not think it is necessary to do so.

For example, putting an end to stream pollution seems to have little or no connection with improving the streams for navigation, flood control, power, or irrigation, because it is chiefly a matter of the construction of sewage-disposal plants, which so far has been a municipal question.

Soil erosion, except along the banks of the streams, would appear to be more closely allied with reforestation and restoration of plant cover than with stream improvement. In some cases, however, soil-erosion work will involve the construction of dams.

Reforestation plans an important part in flood control and soil erosion, but it may be carried on quite independently of river improvement works.

And so it goes. Each of these activities is a special problem, to be handled by a special group of experts if satisfactory results are to be obtained. Here is a place where too much coordination, or the coordination of unrelated activities, might prove harmful instead of beneficial.

As above stated, voluminous data and estimates on stream developments proper have been assembled by the War Department. Obviously, the bulk and mass of this information renders it difficult of digestion by anyone not familiar with the subject matter. However, the information at hand is sufficient in scope and form, in my opinion, for acceptability as a comprehensive plan responsive to Senate Resolution 164. The plan includes the improvement of less extensive watersheds, as well as the development of predominant basins, and is thus comprehensive. A program for the comprehensive development of our seacoast harbors might well accompany the plan for the development of our interior waterways.

As a result of the War Department's investigations, now nearing completion, about 2,000 river projects have been found practicable, with an estimated aggregate cost of about \$8,000,000,000. The relation between estimated costs and estimated benefits of these projects has been determined. Obviously, more projects have been investigated than could be undertaken and paid for in the measurable future, but the expenditure of \$8,000,000,000 over a 50-year period would involve an average annual outlay of but \$200,000,000. It should be well understood that the Secretary of War and the Chief of Engineers are not recommending the construction, nor even the adoption, at this time of such a great number of projects. They are but presenting a plan, specific in its elements and estimates, which they regard as appropriate for future selection and appropriation, looking to a final comprehensive development of the waterways of the United States for the purpose of navigation, the development of water power, the control of floods, and the needs of irrigation.

So far as these activities are concerned, I respectfully suggest the following procedure:

1. The immediate preparation of a report by the Secretary of War and Chief of Engineers on the investigations made during the past 7 years.
2. The adoption of a plan based on this report by Congress and the authorization for its construction without prescribing any priorities.
3. Lump-sum annual appropriations of such amounts as Congress may determine.
4. The determination of priorities by a designated agency.
5. Construction of projects by the War Department, except irrigation projects which should be left in the Interior Department.

This plan would be along the same lines as are now employed in the construction of Federal Aid Highways. It would keep river and harbor work out of politics. It would eliminate pork-barrel legislation. It would make it possible to work according to a carefully developed plan, and it would keep the work in the hands of a closely knit, efficient, and continuing agency of the Government, namely, the Corps of Engineers of the Army, which could be required to cooperate with other agencies or departments so far as might be deemed necessary or advisable, in carrying out a program of stream pollution, soil erosion, reforestation, and other conservation activities.

Respectfully submitted.

GEO. H. DERN.

THE PRESIDENT,
The White House.

ORDER OF BUSINESS

Mr. BYRNS. Mr. Speaker, I ask unanimous consent that it shall be in order today to consider in the House as in Committee of the Whole unobjectioned-to Senate bills on the Private Calendar and Senate bills on the Speaker's table where similar House bills have been favorably reported and are now on the Private Calendar, the call of said bills to begin with no. 629 of the Private Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. HOPE. Mr. Speaker, reserving the right to object, may I ask the majority leader how long he expects to hold the House in session this afternoon? I ask the question because I am not sure just how long these Senate bills will take.

Mr. BYRNS. It is the expectation to adjourn within a reasonable time out of respect to the memory of our deceased colleague the gentleman from Idaho, Mr. Coffin, but I thought that we would take up these bills for a while and dispose of this very necessary business in view of the anticipated early adjournment.

Mr. HOPE. With the gentleman's assurance I shall not object, but I did not want to go on too long, because we are not prepared on this side.

Mr. TRUAX. Mr. Speaker, reserving the right to object, may I ask the gentleman from Tennessee if these bills are in possession of the clerk of the committee here? Personally, I do not have them. I do not know what bills the gentleman expects to call up.

Mr. BYRNS. I understand that all or most of them are in possession of the clerk. Of course, if we get to a point where the Members are unable to give proper consideration to the bills, then we can stop. I may say to the House that my only object in making this request is due to the fact that the Senate has passed three or possibly four times more House bills than the House has passed Senate bills. These bills have an opportunity to become law. If they are not passed now there is a possibility that they may fail, and I think where we have bills which can become law upon approval by the House, consideration should be given to them.

Mr. SABATH. Will the gentleman yield?

Mr. BYRNS. I yield to the gentleman from Illinois.

Mr. SABATH. Has the gentleman information as to the number of House bills passed by the Senate?

Mr. BYRNS. The Senate has passed three or four times more House bills than the House has passed Senate bills. I may say in response to the question propounded by the gentleman from Illinois [Mr. SABATH] that the other day out of 185 private bills which passed the Senate, 141 of them were House bills and the gentleman will note that means more than 3 to 1 in favor of House bills. Either yesterday or day before, as the RECORD will show, the Senate passed a large number of House bills, which, of course, adds to the percentage.

Mr. BLANTON. Will the gentleman yield?

Mr. BYRNS. I yield to the gentleman from Texas.

Mr. BLANTON. Where a bill has been passed by the Senate, and it gets by the House on unanimous consent, that ought to be sufficient evidence that it has some merit in it?

Mr. BYRNS. I should think so. Of course, every gentleman will have the right to make his objection.

Mr. TRUAX. I may say to the gentleman from Tennessee if I do not have a copy of any bill which is called up, I am going to object.

Mr. BYRNS. That is the gentleman's privilege.

Mr. TRUAX. This is entirely unexpected.

Mr. BYRNS. I made the statement yesterday that I was going to make the request today.

Mr. TRUAX. Well, I objected to the gentleman's request at that time.

Mr. BYRNS. I made the statement later on that I would make this request today.

Mr. BLANTON. We have the Senate bills here. Some of us are prepared to go ahead. I have them before me, and I am ready to pass on all the bills.

Mr. TRUAX. Well, I am not willing to pass on a bill unless I have it before me.

Mr. BYRNS. I may say to the gentleman that this will not take any privilege away from Members of the House if the request is granted.

Mr. O'CONNOR. Mr. Speaker, will the gentleman yield?

Mr. BYRNS. I yield.

Mr. O'CONNOR. When the gentleman refers to Senate bills that are on the Speaker's desk, does he refer merely to private bills?

Mr. BYRNS. Bills that are on the Private Calendar where exactly similar bills have been reported by the committee, and only such bills.

Mr. O'CONNOR. Suppose there was a House bill on the Private Calendar previously and it had been objected to and then a Senate bill comes over similar to the House bill. The Senate bill being on the Speaker's table, may we take up that bill?

Mr. BYRNS. Of course, that is a question that probably should be submitted to the Speaker rather than to me. It is more in the nature of a parliamentary inquiry.

Mr. O'CONNOR. I refer to a private House bill on this calendar, previously objected to, where the Senate has now passed a similar bill and the bill is on the Speaker's table.

Mr. COCHRAN of Missouri. If it is not on the calendar, it cannot be considered under the proposed agreement.

Mr. O'CONNOR. I understood, in addition to the bills on the calendar, the gentleman from Tennessee asked unanimous consent to take from the Speaker's table any Senate bills where a similar bill had been reported by the House Committee.

Mr. BYRNS. I will read again that part of the request:

And Senate bills on the Speaker's table where similar House bills have been favorably reported and are now on the Private Calendar, the call of said bills to begin with no. 629 of the Private Calendar.

Mr. O'CONNOR. The request states "that are now on the Private Calendar." Does that mean on the Private Calendar following the star?

Mr. BYRNS. I would so construe the request, but that is a parliamentary inquiry that I think should be addressed to the Speaker and not to me.

Mr. O'CONNOR. I do not see the necessity for that part of the request, if it is a Senate bill on the Private Calendar after the star. The gentleman's request to take up just Senate bills on the Private Calendar would cover all Senate bills.

Mr. BYRNS. No; it would not, because the bill may not have reached the Private Calendar. This is simply to take up all Senate bills that are on the Speaker's desk where a similar House bill is on the Private Calendar.

Mr. O'CONNOR. On the Private Calendar before or after the star?

Mr. BYRNS. After Calendar No. 629; that is, beginning where the House left off.

Mr. TRUAX. And they are to be called in their order on the calendar, beginning with no. 629?

Mr. BYRNS. Yes.

Mr. COCHRAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. BYRNS. Yes.

Mr. COCHRAN of Missouri. Commencing with the star, where a House bill has not been passed upon or considered by the House at all, there are 14 Senate bills on the Speaker's desk which correspond to a House bill below the star.

Mr. BYRNS. And they are not on the Private Calendar.

Mr. COCHRAN of Missouri. They are not on the Private Calendar, and these 14 House bills have never been acted on by the House in any way.

Mr. O'CONNOR. I just wanted to make it clear that you are starting at the star and not going back of it. Of course, I should like to do that, but I wanted it cleared up.

Mr. BYRNS. I do not think this request will take care of the gentleman in that respect. I hope the request will be granted.

Mr. PEYSER. How about Senate bills back of the star which were passed over without prejudice; cannot they be called up by unanimous consent?

Mr. BYRNS. They can be taken up by unanimous consent, but they are not included in my request.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—DROUGHT RELIEF (H.DOC. NO. 398)

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Appropriations and ordered printed:

To the Congress of the United States:

Unforeseen drought has visited disaster upon a large part of our country. Prompt and vigorous action to meet the emergency has been taken by the Federal Government through its various agencies. But the situation has become more grave as rainfall shortage has continued. Future rainfall cannot restore more than a small part of the damage to crops and livestock. An especially serious problem has developed because, while there is no prospect of shortage of human food, a shortage of animal feed threatens over a wide area. This is causing losses to farmers and regions dependent upon the livestock industries. Large-scale assistance by the Federal Government is necessary to protect people in the stricken regions from suffering, to move feed to livestock and livestock to feed, and to acquire and process surplus cattle to provide meat for relief distribution.

Organizations already exist in the Department of Agriculture, the Federal Emergency Relief Administration, and the Farm Credit Administration to carry on the emergency program.

To finance operations of the magnitude planned, further funds are needed. After a conference with Members of Congress from the affected regions, a program along seven lines has been devised to meet the situation. These proposals and the funds required as estimated at this time are:

1. \$125,000,000 for special-work program and human relief.
2. \$75,000,000 for livestock purchase in addition to the funds already available under the Jones-Connally Act.
3. \$100,000,000 for shipping, processing, and relief distribution of purchased cattle.
4. \$100,000,000 for loans to farmers to finance emergency feed purchases and shipments.
5. \$50,000,000 for emergency acquisition of submarginal farms and assistance in relocating destitute farm families.
6. \$50,000,000 for work camps to afford employment in the drought area for young men principally from cities and towns.
7. \$25,000,000 for purchase of seed for 1935 plantings and for loans to get seeds into farmers' hands.

These wholly tentative estimates have been made upon the basis of present and probable conditions. I believe the present emergency can be effectively met by the appropriation of \$525,000,000. Only such portion, of course, will be used as becomes absolutely necessary. We are dealing with a rapidly changing problem, and it is important that the authorization should be flexible so that funds can be allotted to the several Federal agencies as required.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, June 9, 1934.

EDUCATION AT THE CROSSROAD—GRAPHIC PRESENTATION OF CHARTED FACTS SHOWING SERIOUS CRISIS CONFRONTING EDUCATION THROUGHOUT THE NATION—THE FEDERAL GOVERNMENT'S RESPONSIBILITY

The SPEAKER. Under the special order of the House, the gentleman from Ohio [Mr. FLETCHER] is recognized to address the House at this time for 10 minutes.

Mr. FLETCHER. Mr. Speaker, on June 4, when the deficiency appropriation bill was passed under a rule limiting debate, there was no chance for an amendment. Only \$48,000,000 was indicated as the allocation to take care of the emergency that confronts the schools of the United States.

As a member of the Committee on Education, I should like to say to the membership of the House that we have worked diligently in an effort to get the real facts concerning the deplorable crisis the schools of the Nation are now facing. Education is at the crossroads. I presented a bill for the consideration of the committee, as did a number of others. The chairman, the gentleman from Massachusetts [Mr. DOUGLASS], introduced a bill, which was reported out. The Douglass bill stipulates \$75,000,000, which we had hoped and still hope can be earmarked to take care of the emergency, at least in part, that challenges education everywhere.

The deficiency appropriation bill is now being considered by the Appropriations Committee in the Senate, and for the benefit of Members here I want to say that there is a possibility of inducing the Senate to adopt an amendment earmarking \$75,000,000 to help in keeping the schools of the Nation open.

FACTS PRESENTED IN CHARTS

I thought it might be somewhat helpful if charted facts were presented to enable you to visualize the situation and aid you in appealing to your Senators to approve such an amendment.

I have secured permission from the Committee on Printing to reproduce these four charts picturizing for the Members of the House statistical information brought to us by research authorities showing you how serious the crisis in education really is.

That each of you may have a complete picture of the facts concerning education in your own State, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER pro tempore (Mr. O'CONNOR). Without objection, it is so ordered.

RELATIVE ECONOMIC IMPORTANCE OF PUBLIC SCHOOLS

Mr. FLETCHER. Mr. Speaker, public elementary and high schools constitute a major industry in this country when thought of in terms of the number of persons employed annually and in terms of the annual pay rolls.

Chart 1 shows the relative importance of public schools in the industrial life of the Nation as compared with railroads, manufacture of textile-mill products, telephones, manufacture of motor vehicles, steel works and rolling-mill products, and the manufacture of electrical equipment, apparatus, and supplies.

Public schools are exceeded both in the number of employees and the amount of annual pay rolls by railroads and are barely equaled by textile-mill products in the number of employees.

As to the total number of persons employed, education is of almost equal importance with telephones, motor vehicles, steel works and rolling-mill products, and electrical equipment all combined.

As to annual pay rolls, education is almost twice as important as textile-mill products and of about equal importance with telephones, motor vehicles, steel works and rolling-mill products, and electrical equipment combined.

EMERGENCY MUST BE MET

The point to remember here is that if the Federal Government is to concern itself with meeting emergency conditions in leading industrial activities in order to keep people employed and keep pay rolls adequate and constant it can hardly afford to neglect the importance of public education in these respects.

Hundreds of millions of dollars have been loaned by the Government to the railroads, and Congress has recently taken action to make loans to other industrial enterprises.

Furthermore, education is a public enterprise and is of vital concern to the national welfare. When public educa-

tion suffers, the national welfare suffers at the most vital point of its existence, the lives of our children, our future citizens, not alone of the States and communities but of the Nation.

More than one-fourth of our entire population is engaged annually either in going to school or in the service of the schools. Surely in meeting the emergency the Federal Government cannot overlook such an important enterprise affecting the lives of such large numbers of our people.

THE CAUSES OF THE EMERGENCY IN PUBLIC EDUCATION

Enrollments up, expenditures down

The burdens carried by the public schools have steadily increased during recent years, and especially since the period of the depression, but expenditures have taken a sharp decline since 1931 and are still declining.

These facts are strikingly illustrated by chart 2. Starting with the year 1926 as a basis of measurement, it will be seen that the total enrollment in public elementary and high schools has increased by approximately 8 percent and that the high-school enrollment is nearly 50 percent greater now than in 1926.

This last fact is of special importance because the annual cost of educating a high-school pupil is approximately twice as great as the cost of educating an elementary-school pupil. Thus the great increases in enrollment have occurred in the most expensive part of the school system.

HALF BILLION DECREASE

While these school burdens have been increasing, the annual current expenditures have decreased nearly a half billion dollars, or 23 percent since 1928. During this time the expenditures for school buildings and equipment have practically disappeared, being now less than 20 percent of the amount spent in 1926. Expenditures for these purposes have been declining each year since 1926.

When this fact is considered in the light of the increasing enrollments it can be readily seen why classrooms are becoming overcrowded and why children in many places are being housed in temporary buildings.

The facts shown in chart 2 force the conclusion that somewhere the crisis must be reached. That it has already been met is now a fact too well established to be any longer contradicted. (See hearing on Federal Emergency Aid for Education before the House Committee on Education, Feb. 26 to Mar. 1, 1934.)

Decreasing school revenues explained

The reason for the decline in school expenditures and the present financial emergency in public school support is not difficult to find. About 75 percent of the support of public elementary and secondary schools comes from local property taxes and the other 25 percent from other taxes. Local property taxes have greatly declined in amount because assessed valuations have declined and because delinquencies in collections have been heavy. The effect of decreases in assessments and increases in delinquencies on the amount of revenue available for school support is shown in the following table:

Decreases in school revenue since 1932
[Percentage of decrease]

State:	
Alabama.....	29
Arizona.....	(¹)
Arkansas.....	29
California.....	(¹)
Colorado.....	10
Connecticut.....	14
Delaware.....	20
Florida.....	48
Georgia.....	30
Idaho.....	(¹)
Illinois.....	20
Indiana.....	16
Iowa.....	42
Kansas.....	39
Kentucky.....	44
Louisiana.....	25
Maine.....	4
Maryland.....	11

¹ No data.

Chart I. Number of Employees and Annual Payrolls in Certain Leading Industries and in Education

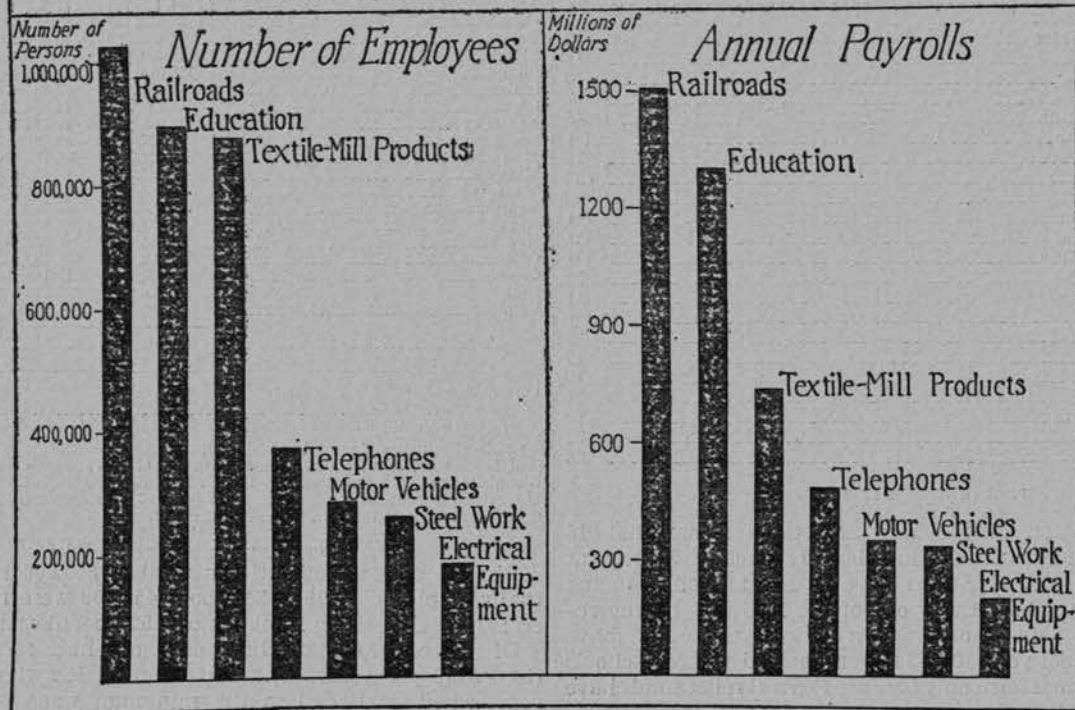
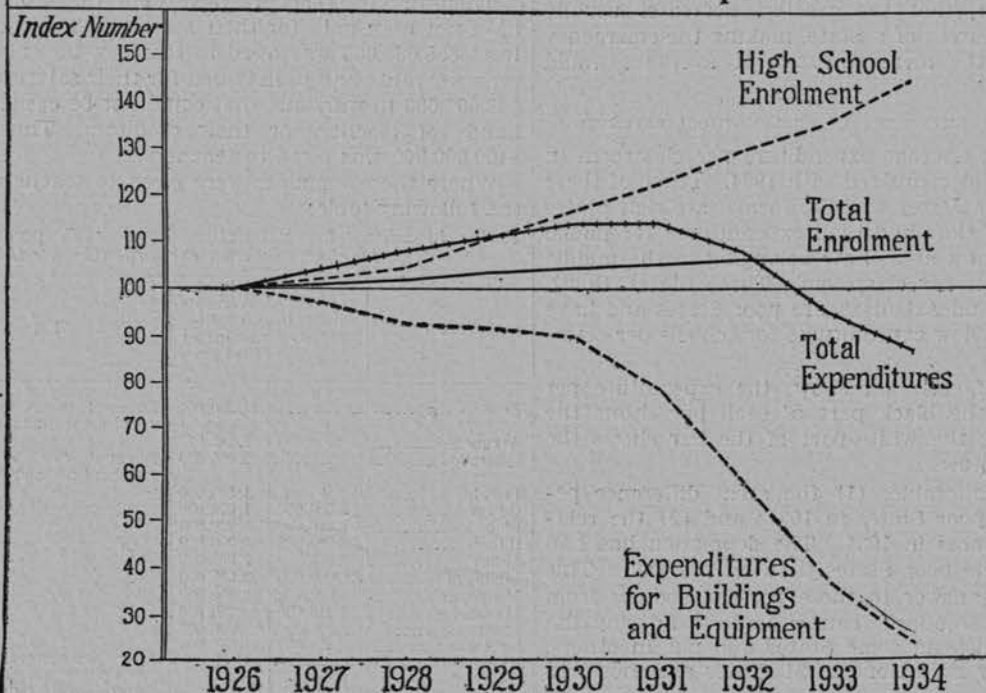


Chart 2. Recent Trends in School Enrolments and School Expenditures



Decreases in school revenue since 1932—Continued
[Percentage of decrease]

States:	
Massachusetts.....	18
Michigan.....	(¹)
Minnesota.....	19
Mississippi.....	49
Missouri.....	(¹)
Montana.....	30
Nebraska.....	32
Nevada.....	² 5
New Hampshire.....	13
New Jersey.....	(¹)
New Mexico.....	10
New York.....	(¹)
North Carolina.....	45
North Dakota.....	(¹)
Ohio.....	15
Oklahoma.....	25
Oregon.....	26
Pennsylvania.....	(¹)
Rhode Island.....	(¹)
South Carolina.....	(¹)
South Dakota.....	30
Tennessee.....	(¹)
Texas.....	(¹)
Utah.....	9
Vermont.....	12
Virginia.....	10
Washington.....	21
West Virginia.....	10
Wisconsin.....	20
Wyoming.....	23

POOR STATES HIT HARDEST

An examination of the foregoing table shows that 16 States have had reductions in school revenue of 25 percent or more, and that 17 States have had reductions ranging from 10 to 25 percent. Every one of the 16 States having reductions of 25 percent or more in revenue since 1932 have during the school year 1933-34 been enabled to keep schools open for a normal term only because Federal relief funds have been made available to pay the salaries of rural teachers.

Complete data are not available to show the reductions in amounts suffered by all States during the past 4 or 5 years, but data for California, Ohio, and Arkansas are undoubtedly typical of conditions in other States. For example, since 1929 the reductions in assessments of property for taxation have declined 33 percent in Ohio and Arkansas. And in California the decline since 1930 has been 28 percent. Such decreases in assessed valuations, of course, produce corresponding decrease in local revenue for school support. It happens, however, that the greatest decreases usually occur in the poorest areas of a State, making the emergency much graver than the mere statistics of averages would indicate.

THE EFFECTS OF THE EMERGENCY IN PUBLIC-SCHOOL REVENUES

Chart 3 shows the average expenditure per classroom in seven States in 1931 as compared with 1934. Three of these States, New York, New Jersey, and California, are rich States and have for a long time had high expenditures for public schools. Ohio is shown as a State belonging to the middle group of expenditures per classroom. Three States, South Carolina, Alabama, and Arkansas, are poor States and have always had relatively low expenditures for schools per classroom.

The full length of each bar shows the expenditure per classroom in 1931; the black part of each bar shows the expenditure in 1934; the white part of the bar shows the reduction in expenditures.

Two things are noticeable: (1) the great difference between the rich and poor States in 1931; and (2) the relatively greater differences in 1934. The depression has had a graver effect on the poor States than on the rich. This chart should be an answer to those persons coming from wealthy States who seemingly cannot understand why the school emergency exists in some States and not in others. The actual necessary reductions in 21 States are shown in the following table:

¹ No data.

² Increase.

Estimated revenue for 1934-35 in 21 States, compared with actual expenditures in 1930 and in 1932

State	Expenditures, 1930	Expenditures, 1932	Estimated revenue, 1934-35
Alabama.....	\$21,521,031	\$18,188,209	\$7,000,000
Arizona.....	10,853,262	9,210,787	1,340,000
Arkansas.....	14,147,283	11,655,163	9,000,000
Connecticut.....	35,363,754	33,359,232	30,000,000
Delaware.....	5,071,357	6,335,295	3,488,000
Florida.....	18,527,846	17,019,536	10,000,000
Illinois.....	153,318,169	140,086,040	95,000,000
Indiana.....	62,969,291	57,983,676	50,000,000
Iowa.....	50,736,526	44,614,725	26,000,000
Kentucky.....	22,938,922	21,754,584	13,000,000
Louisiana.....	21,697,628	20,631,463	13,250,000
Massachusetts.....	85,971,158	86,166,020	67,000,000
Minnesota.....	51,555,155	49,635,566	40,000,000
Mississippi.....	17,389,505	18,025,642	9,500,000
Nebraska.....	27,120,735	24,784,846	16,000,000
Nevada.....	2,755,034	2,439,172	2,521,700
New Mexico.....	6,785,636	6,772,041	4,200,000
Oklahoma.....	32,802,115	28,780,255	19,000,000
Oregon.....	19,573,288	17,155,429	11,500,000
Utah.....	11,606,332	9,273,905	8,500,000
Vermont.....	5,660,229	4,670,189	4,320,000
Total.....	678,364,256	628,541,755	440,619,700

Percent decrease:

1934-35 over 1929-30.....	35
1934-35 over 1931-32.....	30

Source: Estimates of revenue obtained from State departments of education, Feb. 6-10, 1934. Expenditures, 1930, U.S. Department of the Interior, Office of Education, Biennial Survey of Education, 1929-30, vol. 2. Bulletin, 1931, No. 20. Washington, D.C.: Government Printing Office, 1932, pp. 76-77. Expenditures, 1932; advance figure obtained from the U.S. Office of Education.

DRASTIC REDUCTIONS IN TEACHERS' SALARIES

Chart 4 shows that out of a total of 860,000 teachers actually employed in 1933-34, about 450,000 were rural teachers; that is, teaching in places of 2,500 population or less.

Of those 450,000 teachers only one-half received more than \$750 per year. One-half received less than \$750 per year, which is less than the minimum wage required for common laborers by the N.R.A. codes.

Of those who receive less than \$750 per year, about 90,000 receive less than \$450 per year, a ridiculously low salary which nobody in America should attempt to defend.

No class of people in this country has made greater sacrifices in times of depression than the rural teachers of America. In hundreds of cases they, and they alone, have kept the schools open.

THOUSANDS OF TEACHERS UNPAID

Thousands of teachers have kept the schools open, and have not been paid for their services. The 1st of March at least \$55,000,000 was owed to teachers for salaries, and not even warrants had been issued for their salaries, and at least \$48,000,000 in warrants that could not be cashed were in the hands of teachers or their creditors. Thus, more than \$100,000,000 was owed to teachers.

Where these amounts were owed to teachers is shown in the following table:

States in which Reconstruction Finance Corporation loans for teachers' salaries are urgently needed

State	Salaries in arrears	Warrants constituting an emergency	Explanations
Arizona.....		\$1,280,000	Discounts range from 10-25 percent. At least 1/3 cannot be cashed at all.
Arkansas.....	\$300,000	2,287,977	
Colorado.....		2,066,000	Discount rate; 2-50 percent; large amount not cashable at all.
Florida.....	(¹)	1,500,000	
Georgia.....	2,000,000	1,000,000	
Idaho.....		200,000	
Illinois.....	28,000,000	5,000,000	
Maine.....		2,000,000	
Michigan.....	1,000,000	2,000,000	
Minnesota.....		2,350,000	
Missouri.....	250,000	750,000	
Montana.....		200,000	
Nebraska.....	290,000	1,680,000	
New Jersey.....		(²)	Salary warrants amounting to about \$4,400,000 are outstanding. The State superintendent does not estimate what amount can be handled in the regular manner.

¹ Small amount.

² Amount unknown.

States in which Reconstruction Finance Corporation loans for teachers' salaries are urgently needed—Continued

State	Salaries in arrears	Warrants constituting an emergency	Explanations
North Carolina.....	1,500,000	1,000,000	Considerably more outstanding warrants.
North Dakota.....	20,000	2,000,000	
Ohio.....	16,525,000	3,125,000	
Oklahoma.....	(?)	6,090,000	
Oregon.....		1,500,000	\$4,000,000 in warrants outstanding. Total floating debt, all purposes, about \$50,000,000.
Pennsylvania.....	2,155,000	(?)	
South Dakota.....		2,500,000	Estimate given was \$300,000 to \$500,000.
Tennessee.....	1,000,000	9,000,000	
Washington.....		400,000	
West Virginia.....	2,000,000	300,000	
Wyoming.....	2,500	150,000	
Total.....	55,042,500	48,288,977	

² Amount unknown.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. TRUAX. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended 5 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

THE SITUATION IN OHIO

Mr. FLETCHER. I should like to show on this chart how the States here have decreased anywhere from 10 to 25 percent in their revenues. For some of the States there is no information, but take Ohio, for example. In my own State, Ohio, the assessed valuation of taxable property has decreased about 15 percent since 1932 and about 33 percent since 1929. Since about 75 percent of our school revenue comes from property taxes and 25 percent from other taxable resources, it is obvious that such reductions in assessed valuations have greatly affected school revenues.

Such facts as these prove what our chairman, Mr. DOUGLASS, has so frequently said, namely, that the States must reorganize their entire taxing systems.

The States must put their houses in order so that they will not need the aid of the Federal Government.

Mr. BLANTON. Will the gentleman yield?

Mr. FLETCHER. I yield.

Mr. BLANTON. The gentleman speaks of reorganizing their houses. Congress has within the last 2 weeks granted to Dr. Ballou, superintendent of the school system of Washington, a large sum of money to initiate and install in our school program here a system of character building. When we had that under consideration we took the position that as long as the teacher is all right that system would prosper, but if you get the wrong kind of teachers in the schools there will be no success in character building with the little children. Does not the gentleman agree with that proposition?

Mr. FLETCHER. Of course, I agree with that. But if we do not pay the teachers we already have a salary on which they can live, will not their own characters, their personalities, and efficiency deteriorate? Before we talk so much about the compulsory teaching of patriotism we ought to be consistent and practice some of it ourselves by paying the teachers of the country what we owe them.

Mr. BLANTON. Oh, I agree that our underpaid teachers should receive proper pay; but it is not just a question of pay. Take the teachers of New York who recently refused to take an oath of allegiance to the United States. Every teacher like that ought to be driven out of this country. [Applause.]

Mr. FLETCHER. In answer to the gentleman, I am willing to agree that the teachers of the United States should take the oath of allegiance just the same as Congressmen do; but I think the school-board members who hire the teachers should go along and take the oath of allegiance, too. Why not have everybody take the oath of allegiance? [Applause.]

Mr. BLANTON. Theoretically, every good American has taken it; but for a teacher, who is a public official and who

is getting part of his pay from the United States Government, to refuse to take the oath of allegiance to this Government, he is a sorry kind of teacher. He is a traitor to his country, and he ought to be run out of the country.

Mr. FLETCHER. I want to say that I agree with the gentleman from Texas about teachers taking the oath of allegiance, but I do not think that is a matter for legislation by the Federal Government. That is a matter for the States. If the States cannot get teachers to take the oath of allegiance, I do not think the United States Congress should interfere with them and try to tell the States how to run their business.

The SPEAKER pro tempore. The time of the gentleman from Ohio [Mr. FLETCHER] has expired.

Mr. ZIONCHECK. Mr. Speaker, I ask unanimous consent that the gentleman be allowed to proceed for 5 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington [Mr. ZIONCHECK]?

There was no objection.

Mr. CHRISTIANSON. Will the gentleman yield?

Mr. FLETCHER. I yield.

Mr. CHRISTIANSON. I think we are going rather far afield from the matter under discussion. Getting back again to Federal aid of schools, it is true, is it not, that there is not a single dollar actually earmarked for educational aid in the appropriation bill that was passed under suspension of the rules the other day?

Mr. FLETCHER. That is true.

Mr. CHRISTIANSON. There are \$48,000,000 set aside in the estimates upon which the appropriations were based, but there is actually not one dollar earmarked.

Mr. FLETCHER. Yes; that is correct.

Mr. CHRISTIANSON. Does the gentleman not think we can afford, as the National Government, to spend at least as much money to save the schools of America as we are spending for road building?

Mr. FLETCHER. I agree with the proposition that we should save the schools.

Mr. CHRISTIANSON. Does the gentleman not also think that if the Members of this House had an opportunity to vote on the Douglass bill they would pass it by three-fourths of the votes of this House?

Mr. FLETCHER. I think there is no question about that. Since the gentleman mentioned the amount as \$48,000,000, may I again remind you that there are \$55,000,000 owed to teachers now in back pay, without any warrants at all, and \$48,000,000 is the amount that has been allocated in back pay with warrants, many of which are not worth a dime?

Mr. ZIONCHECK. Will the gentleman yield?

Mr. FLETCHER. I yield.

Mr. ZIONCHECK. Does not the gentleman feel that as long as the teachers do not get a living wage they cannot teach the children The Star-Spangled Banner with the same patriotic fervor and feeling?

Mr. FLETCHER. I say to you that the children are taught more through their eyes by what they see society doing to their teachers and other victims of the economic situation than they are by all the moralizing we may do in Congress. The children of this Nation are cynical enough now. They will not have much respect for the Congress of the United States which allows their teachers to stand before them every day to talk about the flag and patriotism when their salaries are not paid. [Applause.]

Mr. TRUAX. Will the gentleman yield?

Mr. FLETCHER. I yield.

Mr. TRUAX. What does the gentleman think the children of this country can think of a government that deliberately permits the money lenders to confiscate their farms and their homes? We have it in our power today or any other day to pass legislation that will absolutely stop every foreclosure in this country.

Mr. FLETCHER. I should like to have permission of this House some day to tell the Members of Congress what the children of the United States, as I have found out, really think about what is happening to us in America. I have

taken surveys in schools, colleges, and universities from coast to coast. I have held open forums attended by thousands of the coming citizens of tomorrow and have asked them what they think about many of the vital problems that confront this Nation. You would be surprised to know what they think about Congress and the Government, and about us of the older generation. It would be a good thing to reverse the order and have the adults go to school to the youth for awhile. Adults would learn something that would open their eyes.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. FLETCHER. I yield.

Mr. PEYSER. In answer to the gentleman from Texas, permit me to state that the city of New York is in a financial position to pay its school teachers; and it has less crime and communism than any other part of the United States in proportion to population. [Applause.]

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. FLETCHER. I yield.

refusal of the chief executive of the State to tax wealth, public utilities, and the financial interests of our great State?

Mr. FLETCHER. There is very strong argument in favor of what I know my good friend from Ohio could say on this subject. Really it is treason against the educational future of the children of Ohio or any State that schools should be closed or handicapped for lack of funds.

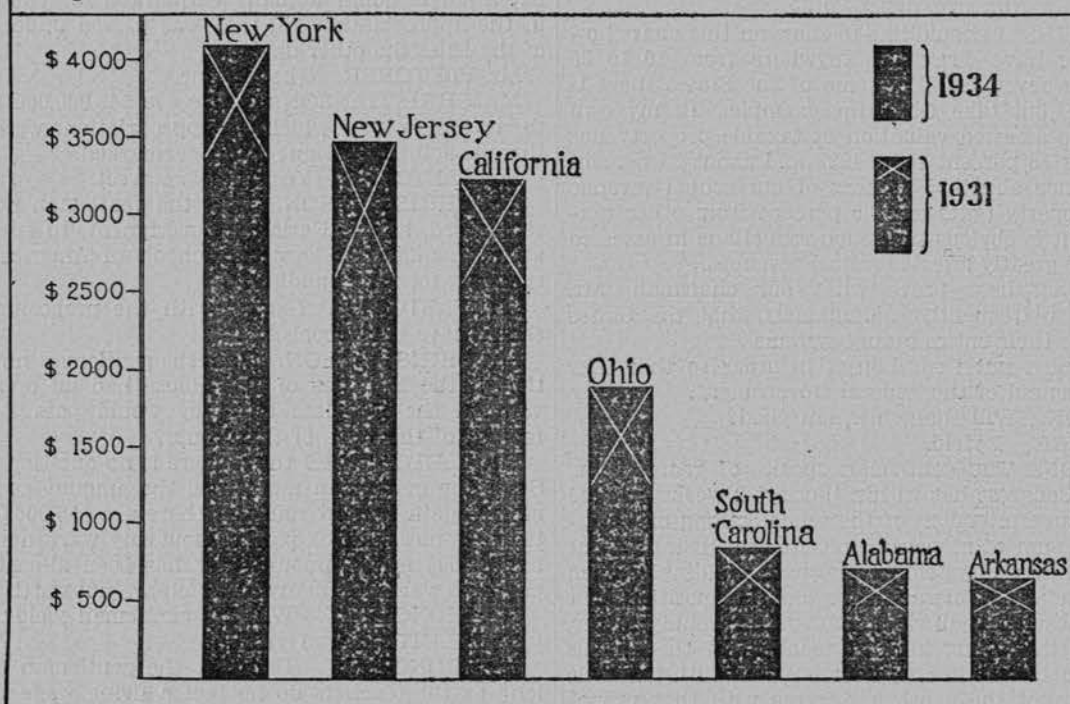
Mr. TRUAX. I agree with the gentleman.

[Here the gavel fell.]

Mr. MCCLINTIC. Mr. Speaker, I ask unanimous consent to address the House for 4 minutes for the purpose of making an announcement.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I hope that when the gentleman from Oklahoma [Mr. MCCLINTIC] concludes he will not object to the gentleman from Ohio [Mr. FLETCHER] continuing for 5 minutes, for the gentleman from Ohio [Mr. FLETCHER] is discussing a subject of very great importance, a subject which has not had as much of the time of the House as it should have had.

Chart 3. Average School Expenditure per Classroom Unit in Seven States 1931 & 1934



Mr. BLANTON. I agree with the gentleman that our teachers are underpaid, woefully underpaid. I am in favor of doubling the salaries of many underpaid teachers. I am one of the many friends and admirers of our able and valuable colleague from Ohio [Mr. FLETCHER] who appreciates the wonderful assistance he has been to education in the United States. I commend him for it; but I am wondering if his speech is now being broadcast into his State and other States.

Mr. TRUAX. We hope it is.

Mr. FLETCHER. I may say to the gentleman from Texas [Mr. BLANTON] that politicians in his section of the country practically gave away to landgrabbers and money changers hundreds of millions of dollars worth of land which, if it had not been squandered by politicians, would now be sufficient to finance all the schools in the vast empire of Texas.

Mr. BLANTON. I agree with the gentleman; I have been fighting them for 40 years in Texas.

Mr. TRUAX. Mr. Speaker, will the gentleman yield?

Mr. FLETCHER. I yield.

Mr. TRUAX. What must the children of our State think of the shortage of school funds brought about because of the

Mr. MCCLINTIC. I may say to the gentleman from Texas that I shall be glad to yield to the gentleman from Ohio [Mr. FLETCHER] in order not to break the continuity of his remarks.

Mr. Speaker, I modify my request and ask that I may be permitted to address the House for 4 minutes at the conclusion of the remarks of the gentleman from Ohio [Mr. FLETCHER].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma [Mr. MCCLINTIC]?

There was no objection.

Mr. BLANCHARD. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. FLETCHER] may be permitted to proceed for 5 additional minutes.

Mr. PATMAN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Ohio [Mr. FLETCHER] how much time he desires to complete his subject?

Mr. FLETCHER. As much time as the House cares to give me. I do not take up much of the time of the House and this is a subject which is of great importance and in which the entire Nation is vitally interested. I have not asked for more time. The requests that I be given additional time

have come from Members of the House. If my time has again expired, I shall not ask to continue.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that the gentleman be allowed to proceed for 10 additional minutes.

Mr. MARTIN of Oregon. Mr. Speaker, reserving the right to object, and I shall not object, I hope we will have a little bit more of facts and just a little less of "hot air." [Applause.]

Mr. FLETCHER. Mr. Speaker, does the gentleman mean to be personal?

Mr. MARTIN of Oregon. No, not at all; I am referring to the interruptions from the floor.

Mr. FLETCHER. I thank the gentleman from Oregon. But I do not object to the questions being asked. The questions from the floor indicate the interest of the Members in this important subject, and I am glad they are showing interest by the questions they are asking.

need this information. The hot air I was referring to was the hot air from the floor. [Applause.]

Mr. BLANCHARD. Mr. Speaker, will the gentleman yield?

Mr. FLETCHER. I yield.

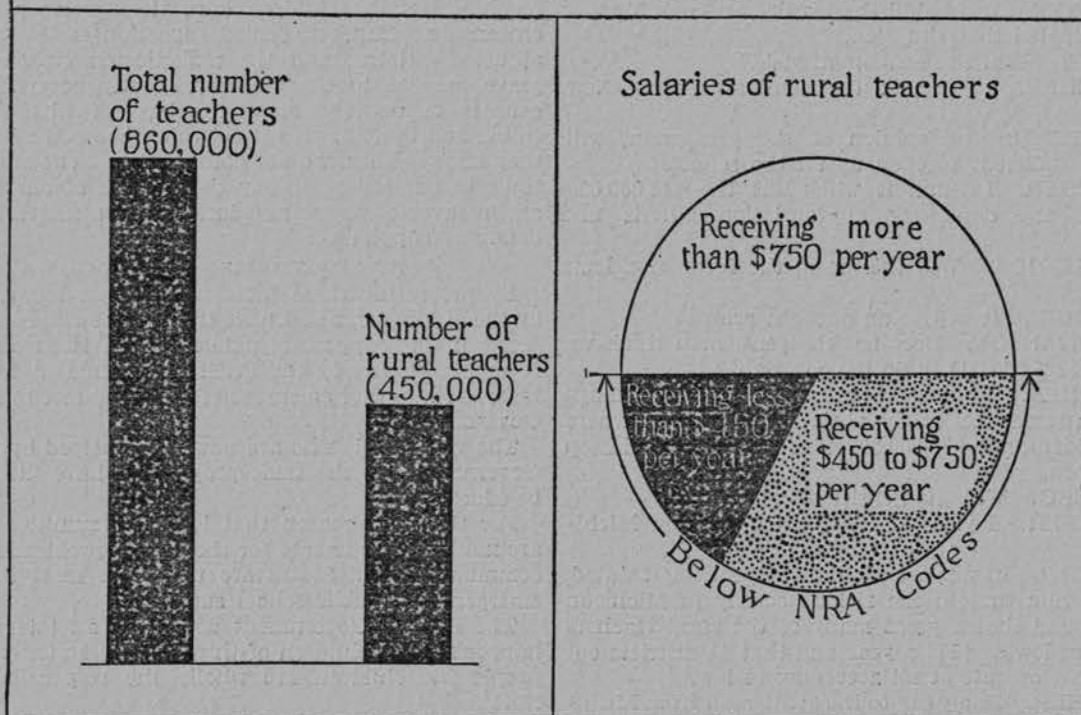
Mr. BLANCHARD. I am not going to ask the gentleman a political question at all.

Mr. FLETCHER. The gentleman may ask any question he wishes, and I shall be pleased to try to answer it.

Mr. BLANCHARD. Can the gentleman state whether or not any money has been earmarked for school purposes?

Mr. FLETCHER. I understand not a cent; and I know Mr. DOUGLASS, Chairman of the Committee on Education, who is here listening, will verify this. I feel, however, Mr. Speaker, that we have a chance here now to earmark at least \$75,000,000, the amount designated in the bill introduced by the gentleman from Massachusetts, and therefore I make an appeal to the Members to get in touch with their

Chart 4 Annual Salaries of Rural School Teachers - 1933-34



The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANCHARD. Mr. Speaker, will the gentleman yield?

Mr. FLETCHER. I yield.

Mr. BLANCHARD. Mr. Speaker, if the gentleman from Ohio will permit, I would like to ask the gentleman from Oregon with regard to the schools of his own State to differentiate between facts and "hot air."

Mr. MARTIN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. FLETCHER. I yield.

Mr. MARTIN of Oregon. I want to clear the gentleman from Ohio [Mr. FLETCHER] absolutely of that charge made a moment ago.

Mr. FLETCHER. I thank the gentleman for his courtesy and fairness to me.

Mr. MARTIN of Oregon. I was very much interested in the very able and delightful dissertation the gentleman is giving us on the subject of schools. I think the Members

Senators, in view of the information that has been presented to you by means of these graphic charts I have used in this speech today, and persuade them to include in the deficiency appropriation bill the amount of \$75,000,000 definitely earmarked so that we can announce to the country that this much money will be available to open our schools.

All our researches show that \$75,000,000 provided in the bill of the gentleman from Massachusetts, is absolutely necessary to meet the crisis in education. We should let the country know now what to expect because they must hire their teachers sometime in June, July, or August, and they must know how much money will be available in order to open the schools and keep them open. The Douglass bill makes this possible. With these facts in mind I hope this Congress will unite in a determined effort to see that the amended deficiency appropriation bill is brought back here from the Senate Appropriations Committee with \$75,000,000 earmarked for education. We owe it to the youth of America.

Mr. CHRISTIANSON. Does not the gentleman think the House should appeal to the members of its own Rules Committee to bring out the Douglass bill, because without the

authorization which is embodied in the Douglass bill a point of order would be raised against any appropriation being made.

Mr. FLETCHER. Yes.

Mr. O'MALLEY. Will the gentleman yield?

Mr. FLETCHER. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. Is there some safeguard in this bill, if we pass it, to prevent cities who have dissipated the funds of the taxpayers through bad organization and bad management from getting this money?

Mr. FLETCHER. The bill of the gentleman from Massachusetts and the bill which I introduced to the committee, and all the bills that were seriously considered, include the safeguards to which the gentleman refers. The committee reported favorably the Douglass bill, which designates that the money is to be allocated in accordance with the needs of the States, as shown by the survey. The money will not be allocated to some particular spot, but only where there is great emergency and where money must be allocated in order to keep the schools open.

Mr. O'MALLEY. There are a great many communities in this country where the teachers are unpaid because of a lot of grafting politicians who have dissipated the funds of the people.

Mr. FLETCHER. In his bill the gentleman from Massachusetts anticipated that situation.

Mr. KENNEY. Will the gentleman yield?

Mr. FLETCHER. I yield to the gentleman from New Jersey.

Mr. KENNEY. In the opinion of the gentleman, will \$75,000,000 be sufficient to open up all the schools?

Mr. FLETCHER. I think it will. But the \$48,000,000 designated in the deficiency appropriation bill is not sufficient.

Mr. FITZPATRICK. Will this be in the form of a loan or a gift?

Mr. FLETCHER. It will be an outright grant.

Mr. CHRISTIANSON. Does not the gentleman think we need at least \$225,000,000 to do the job right?

Mr. FLETCHER. We have been guided by the findings resulting from researches in the various communities where the need is evident, and \$75,000,000, it is estimated, will keep the schools open.

Mr. DONDERO. Will the gentleman yield?

Mr. FLETCHER. I yield to the gentleman from Michigan.

Mr. DONDERO. In support of what the gentleman stated, I may say to him that in the richest county in Michigan it has been found that a great many of the rural teachers are receiving as low as \$270 a year and that 41 districts out of 177 could not operate at all according to law.

Mr. FLETCHER. I may say to the gentleman from Michigan that his own State is many millions behind in educational funds.

Mr. KENNEY. Would the gentleman have any objection if the bill were amended to provide that no money should be paid to any teacher who had refused to take an oath to support the Constitution?

Mr. FLETCHER. If the gentleman heard the speech of our chairman, Mr. DOUGLASS, when a similar situation was before us at the time we were considering the Ellzey-George bill to allocate \$3,000,000 to vocational education, he will remember that Mr. DOUGLASS specifically opposed that very proposition. Those of us who are following the intelligent and constructive leadership of our very able chairman are anxious that the Federal Government does not interfere with the educational curricula or policy of any State. Therefore, we are opposed to your proposition of Federal interference with the functions of the State.

Mr. KENNEY. Does not the gentleman think it is the business of this Congress to see that everybody throughout the country, and especially those who are rearing our children, support the Constitution of the United States?

Mr. FLETCHER. I am in favor of everyone supporting the Constitution, but we are not here today discussing the

question as to whether the Federal Government or the States should handle that proposition. The States themselves ought to have intelligence enough to see to it that every school teacher, and every school board member, takes an oath of office. I am reminded by the gentleman from Indiana to refer to his State in this discussion. Indiana is one of the few States of the Union that has enacted adequate revenue measures for schools. Indiana has a sales tax which created a good bit of disturbance at first, but they are taking care of their educational institutions in Indiana. I do not advocate a sales tax, but I think that some legislative plan should be adopted by the other States to enable them to put their houses in order.

Mr. KENNEY. The gentleman knows, I presume, that there are only 13 States in the Union which require their teachers to take an oath to support the Constitution. The States memorialize Congress quite frequently giving their views, and I think it is up to the Congress to memorialize the States on questions of patriotism.

Mr. FLETCHER. I have no objection if Congress wants to take that action, but I think the States should handle the matter themselves.

Mr. Speaker, in closing, may I say that educators are just as important to the welfare of this country as are legislators. The legislation which we enact into law will not amount to much unless the children have the necessary training in citizenship. Children denied education easily become maladjusted citizens, and the maladjusted citizen is a very grave menace to the stability of any government. This country cannot rise above the level of what the citizens think, and the citizens cannot think above the level of what they know. They are not going to know enough if we continue in our failure to pay the salaries of our teachers. I am in favor of financing education as a matter of national defense. [Applause.]

GIVE EVERY AMERICAN CHILD A CHANCE

By presenting these facts to Congress today, illustrated by the graphic charts, I have tried to show that a real emergency in the support of public schools is beyond question. It should be met by the Federal Government for the same reasons that other emergencies are being met by the Federal Government.

The very people who are now being helped by the Federal Government are the same people who have the children to be educated.

For the same reason that local communities and States are not now able to care for their relief problems, these same communities and States are unable to meet the financial emergency in public-school support.

The Federal Government does have an interest in what happens to the children of this Nation. In the eyes of some people the children are wholly the responsibility of the Nation.

It is strikingly strange, however, that in time of war or national calamity the Federal Government considers the young men, the children of yesterday, the property of the Nation and not of the States.

When soldiers are drafted the Federal Government does not ask whether they come from Maine or Texas, California or South Carolina.

If the Federal Government can afford to waste billions of dollars in killing youth in times of war, then the same Federal Government can afford to invest a few dollars in training and educating youth in times of peace. Does the Nation have any interest in these hundreds of thousands of American youth, many of whom may be denied educational opportunity unless something is done to meet this situation? The answer is obvious.

Then let the Nation protect its interest in the citizens of tomorrow. Let the Federal Government, during the emergency at least, cooperate with the States in seeing to it that sufficient funds are guaranteed to the States, according to their respective needs, to keep the doors of educational opportunity open to every child in America. [Applause.]

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. McCLINTIC] is recognized for 4 minutes.

Mr. McCLINTIC. Mr. Speaker, there comes a time in everyone's life when it is necessary to make some important decision, and I refer now to the announcement recently made by my distinguished colleague the Honorable W. W. HASTINGS, Representative in Congress from the Second Congressional District of Oklahoma, to the effect that he is voluntarily retiring to private life at the conclusion of the work of the present session.

Congressman HASTINGS, better known as "Bill" by his friends, is distinctly a product of what is now Oklahoma, having been born in old Indian Territory, and educated in the male seminary, which was conducted by the leaders of the tribe of Indians of which he is an honored member. Afterwards he obtained his law degree from Cumberland University, and, if I am correctly informed, was a classmate of our distinguished floor leader, the Honorable JOE BYRNS, of Tennessee.

The Cherokee Indian race, of which he is a member, originally was moved from the eastern portion of the United States to what was formerly Indian Territory. It has given to civilization many prominent citizens, and among the outstanding Cherokee was Sequoyah, who invented the alphabet that made it possible to translate the sound language into writing. Because of this invention it is said that the Cherokees became better educated and more enlightened than any other tribe of Indians, and as a mark of respect and honor to this great character there is now standing in the Hall of Fame a statue of his likeness.

Congressman BILL HASTINGS has spent the greater portion of his life in service for the Indian people and his Government. Some 42 years ago he first arrived in Washington to assist in the settlement of a controversy that existed between his race and the Federal Government. This agreement resulted in an amendment to the appropriation bill ratifying the so-called "Cherokee-strip agreement", and the same was opened up for settlement on November 16, 1893.

Afterwards he took an active interest in the creation of a Commission, which was known as the "Dawes Commission", that caused to be enrolled some 42,000 members of his tribe. Later, before the Court of Claims, he was successful in bringing about the elimination of the so-called "freedman" from the rolls, and this decision met the approval of the members of his tribe.

In 1907 Indian Territory and Oklahoma Territory were merged into one State, called Oklahoma, and when the Legislature passed the congressional redistricting bill, which was sponsored by me as a Member of the Senate and chairman of the committee, he received the nomination and was elected as a Member of the House from the district that he has represented from the Sixty-fourth Congress up to the present date, with the exception of 2 years.

Congressman HASTINGS has been a Member of the Committees on Education, Indian Affairs, Banking, and Appropriations. No Member has given any finer service to his constituents, the State of Oklahoma, and the Nation, than he. His voluntary retirement from this body takes away the only Member of Indian blood, and, in my opinion, the best informed person in the United States on Indian matters.

As chairman of the Oklahoma house delegation, I want to add a word in the way of a personal tribute for the fine way that he has cooperated with the delegation in looking after every matter in the interest of our great State. When it comes to loyalty, fidelity, integrity efficiency, and hard work, I know of no Member who has so fully measured up to the requirements of a faithful public servant, as he, and it is a source of deep regret, not only to me, but to every Member of the House, that he has decided to end his congressional service.

It is often the case that a constituency does not have a proper appreciation of the fine standing, and the high regard in which a Member is held by his colleagues in the House of Representatives. Oftentimes they are disposed to listen to the cry of selfish individuals, who participate in a campaign of slander and villification, until it is too late to

realize that the high position and prestige of the district has gone.

Congressman BILL HASTINGS, in retiring to his home at Tahlequah, takes with him his lovely wife and three children, who have been an inspiration to him all during his services, and I wish to express the hope that in all of their undertakings they will be rewarded with success, happiness, and prosperity.

In conclusion I want to ask that each Member of the Oklahoma delegation be allowed to extend in the RECORD at this point such remarks as he may care to make relative to our distinguished colleague, the Honorable W. W. HASTINGS. [Applause, the Members rising.]

Mr. JOHNSON of Oklahoma. Mr. Speaker, it is a genuine pleasure to add a few words to the splendid tribute just paid our colleague, Congressman W. W. HASTINGS, of Oklahoma. When I first came to Washington and needed help and advice I frequently called on Congressman HASTINGS, and he was never too busy to lend a helping hand. I soon found that "BILL" HASTINGS, as his colleagues from Oklahoma take the liberty of calling him, was the last word on Indian affairs. I have repeatedly said that BILL HASTINGS knows more about Indian affairs than any other man in either House of Congress. [Applause.]

Mr. Speaker, as I believe it has heretofore been stated, Congressman W. W. HASTINGS entered Congress in 1914. Ripe experience had equipped him for his work. For many years he had represented, in one capacity after another, the Cherokee Tribe of Indians, of which he is a member. For years he had represented his people before the committees of Congress, the departments of the Government, and the courts. In this way he became familiar with the legislative and departmental methods of our Government.

Congressman HASTINGS had been active in tribal affairs for many years before he came to Congress, and held many positions under the Cherokee government, including attorney general and national attorney, with authority to represent the nation before the commission which made the final rolls and allotted the lands to the members of his tribe.

Upon entering Congress he first saw service on the Banking and Currency Committee and took an active part in the preparation and enactment of the rural credits bill, which made provision for loans to farmers, repayable upon the amortization plan. Since that time he has taken an active interest in legislation for the farmers and in amending the rural credits bill during the present Congress by providing for the guaranteeing by the Government of the Federal land-bank bonds.

He has been deeply interested in good roads and also in the extension of the Rural Mail Service, both of which are of great benefit to the rural population of our State and of the Nation.

As a member of the Committee on Indian Affairs, he brought to it a rich experience and a knowledge of Indian law and customs, which was valuable not only to the members of the committee, but to the Congress as well.

He has sponsored much legislation in the interest of the Indians, and under his direction jurisdictional bills were enacted by Congress to permit the Indians to submit their claims to the Court of Claims, with the right of appeal to the Supreme Court.

He was a Member of the House during the World War, and the responsibility was his to assist in enacting legislation for the successful prosecution and early termination of the war. He did this whole-heartedly.

During the past 10 years he has been a member of the Committee on Appropriations and has been assigned to two subcommittees—Interior Department and independent offices. His service on this great committee has been of great benefit to our State and Nation.

As a member of the Interior Department subcommittee he has made a study of appropriations for the Indians, including health work and education. Much progress has been made during the last 10 years along these lines, due in a large measure to his assistance and guidance.

As a member of the independent offices subcommittee he has assisted in making appropriations and the enactment of legislation for the soldiers.

He voluntarily retires from Congress and leaves with assurances of the best wishes and good will of each member of the Oklahoma delegation. I am sure I speak the sentiment of every Member of this House when I say that his leaving is a distinct loss to Congress, to the State of Oklahoma, and to the Nation. [Applause.]

Mr. HASTINGS. Mr. Speaker, may I have unanimous consent to proceed for 2 minutes?

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. HASTINGS. Mr. Speaker, this is an unexpected compliment. I very greatly appreciate this expression of confidence and good will on behalf of the Membership of the House.

I was first elected to Congress 20 years ago and saw service under five distinguished Speakers: Clark, Gillette, Longworth, Garner, and the present distinguished Speaker, Rainey.

I have seen service in the House both in the majority and in the minority. It was my privilege to serve during an important period in our history. I have seen service under five Presidents: Wilson, Harding, Coolidge, Hoover, and Roosevelt.

When I entered Congress the World War was raging across the seas. The responsibility was mine to represent a splendid district and a State in part when the World War resolution was passed in April 1917, and I supported all measures which threw our entire resources and man power into the balance for the successful conduct of the war and its early termination.

The privilege was mine to see service in the enactment of the rehabilitation legislation which followed the war, and, of course, I have seen service during the intervening years.

The present Congress has been the most difficult in which I have served. The stock crash ushered the depression upon us in 1929. During the past 16 months I have had the privilege of assisting in the enactment of a great deal of far-reaching legislation, some quite drastic, much of it temporary, some permanent, but all, as we hope, for the purpose of bringing about normal conditions and restoring happiness and prosperity to the people of the Nation.

The result of this and other legislation Congress may enact before adjournment will be left to the future. History in the end will record a true verdict.

My experience in public affairs has been greatly enriched by my association with the able and patriotic Members of this House. I have been accorded most generous consideration by all Members on both sides of the aisle. I want to acknowledge my very deep indebtedness to them. During my service here my relations with the members of my own delegation have been most cordial and intimate. I am under renewed obligations to the dean of the Oklahoma delegation and to each member of it.

With the fall of the gavel upon the adjournment of this Congress, I am voluntarily retiring and am glad to know I am doing this with the good will of the Membership of the House with whom I have served, and in return each of you may rest assured that I go leaving with you not only my very best wishes and highest regards but my very deep affection. I shall always cherish the memory of this occasion. [Applause.]

Mr. McKEOWN. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. McKEOWN. Mr. Speaker, when the gentleman from Oklahoma [Mr. HASTINGS] leaves the Halls of this Congress, there goes from here the best-informed man on Indian affairs in this country. He is a member of the great Cherokee Nation, and the blood of proud chieftains and Governors flows through his veins. He comes from one of the most illustrious families of the Cherokee Nation. For years he

has appeared in Washington as the spokesman for that great intelligent nation.

I knew him in the early days, and I can tell you some wonderful things he has done. When the camp fires of democracy were burning low, when there was no hope of a reward, when we faced the battle of existence as a party he fought with us. Always true to the interests of his people and his State, and so now I say to him, God bless you, we all love you, good-bye. [Applause.]

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. CARTWRIGHT. Mr. Speaker, I am pleased to hear all these complimentary remarks made of my colleague from Oklahoma, Mr. HASTINGS; and whether we measure by what he has done, what he has been, and what he will do, I believe he is entitled to all the good things that have been said about him, and I approve of all of them.

I also approve of the splendid idea of saying good things of the living rather than wait until they have passed to the Great Beyond. A poet has well expressed my feeling in the following words:

A rose to the living is more,
Ere the suffering spirit has fled.
A rose to the living is more
Than sumptuous wreaths to the dead.

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. HOWARD. Mr. Speaker, during the past 12 years I have been a member of the Committee on Indian Affairs of this House. During all of these years I have been more or less in constant touch with the distinguished gentleman from Oklahoma, who is now retiring from public life, temporarily, I hope and believe. I may say in passing now to him and to my fellows in the House, that perhaps none of us at this moment deserve more encomiums because of service well performed than does this man WILL HASTINGS.

I refer now particularly to the work he has done for his own Indian people. Nor would I refer to that alone, because this man has been more than an Indian here, he has been just as good a white man as any of the rest of us in the promotion of good legislation for all of the people of our country. [Applause.]

I sincerely trust, Mr. Speaker, that what I have heard along the sidelines may be true, and that in the next 2 years we of the House, and perhaps some of the other body, may have the delightful experience of welcoming him again beneath the dome of our Capitol, to continue further service in behalf of his country. [Applause.]

Mr. SWANK. Mr. Speaker, I am glad to take this opportunity to say a few words concerning the services of my friend and colleague, Congressman WILLIAM W. HASTINGS, of the Second Congressional District of Oklahoma.

Congressman HASTINGS is one of the most industrious and able Members of Congress with whom I have been acquainted during my service here. The House of Representatives is composed of members of various professions—distinguished lawyers who will compare favorably with members of that profession in any State, and even with the members of the Supreme Court itself. In this body we have several distinguished physicians and surgeons whose reputations extend beyond the limits of their own State. We have noted ministers, business men, trainmen, farmers, and members of other professions. In this body you will find experts in many different lines. Therefore, Mr. Speaker, it is a great compliment to have the reputation in this organization of 435 men and women of being the best-informed man on any one subject. It is conceded that Mr. HASTINGS is the greatest authority in the United States upon Indian affairs.

He was reared among the brave and noble Cherokees and is a member by blood of that tribe. In early life he began to familiarize himself not only with Indian customs but with the laws and treaties regulating the affairs of the different

tribes. For more than 40 years he has been in public life and leaves a record worthy of the emulation of any young man. From the great tribe of the Cherokees, who were brave in war and generous in victory, he inherited some of their leading characteristics, namely, absolute sincerity in all his actions, strict attention to his own business, and always a supporter of law and order. After this long service, Congressman HASTINGS is voluntarily retiring from public life to live with his family around his own fireside and among his neighbors and friends.

Mr. Speaker, Congressman HASTINGS has been a great honor to his native State of Oklahoma and to the country. Regardless of who may be sent here to succeed him and how bright and industrious he may be, he will stay here a long time before he will achieve the position of prominence and influence enjoyed by Congressman HASTINGS in the House of Representatives.

DISCUSSES FARM LEGISLATION

Mr. JOHNSON of Oklahoma. Mr. Speaker, as the second session of the Seventy-third Congress draws to a close, I doubt if any Member of this House is wholly satisfied with the accomplishments thus far attained. But inasmuch as this House is composed of 435 Members, representing many divergent views, it is therefore impossible for each Member to secure all the legislation he desires. At this time I desire to discuss several of the achievements and possibly some of the shortcomings of the Congress soon to pass into history.

FARMERS IN DEPTHS OF DESPAIR

Practically every bank in the country was closed on the day Franklin D. Roosevelt was inaugurated President. Business was at a standstill. Our farmers were in the depths of despair. Prices of farm products had fallen to such ridiculously low levels it was hardly worth while to haul anything to market. More than 12,000,000 people were out of work. Women and children were hungry and naked in a land of plenty.

On every side, people were asking, "What will happen next?" The terrible situation demanded immediate and drastic action. Critics no doubt would like to forget that pitiful picture. Extreme Democratic partisans are saying that the depression is over, everybody is prospering, and everything is lovely. Extreme Republican partisans are saying conditions are worse than under the Hoover regime and that the country is fast going to the bow wows. Neither position is fair. Neither statement is a true picture of the real facts. Admitting there have been mistakes, possibly too many of them, it must also be admitted that there has been no lack of action on the part of the President. He has demonstrated that he is not afraid to tackle gigantic tasks nor venture down untrodden paths. [Applause.]

SPECIAL SESSION PASSED 12 CONSTRUCTIVE MEASURES

The special session of Congress called by President Roosevelt met on one of the blackest days in the history of this great land of ours and quickly passed 12 major constructive administration measures to start the new deal recovery program. I am glad to say I supported every one of them, believing the President's program should be given a fair trial. Then came the second session, which up to now has passed some 25 major administration measures.

Frankly, I am disappointed that several other measures I have advocated for years have not yet received favorable consideration and some of which seem doomed so far as the present session is concerned. Among those bills so far ignored are the Frazier-Lemke bill, the Wheeler silver bill, the Thomas-Swank cost-of-production amendment, and a practical, comprehensive, and fair old-age security bill, all of which I have heretofore advocated on the floor of this House and before the respective committees.

RECOVERY OF AGRICULTURE LAGGING

No one pretends to say that economic conditions are what they ought to be and what we hope they will be within the next 12 months. Recovery in agriculture has been lagging. One big reason for that, of course, is that this great industry was neglected for 12 long years by Republican administrations. Not only was it neglected, but it was penalized

by tariff laws which increased prices of what the farmer had to buy and gradually shut off foreign markets for farm products by forcing the enactment of retaliatory foreign tariff laws which now may never be repealed or greatly modified by foreign governments.

Prices of farm commodities have not reached the levels we hoped they would and what we have every reason to believe they will be 6 months or a year hence. But when compared with prices that the so-called "Hoover prosperity" regime gave the country, there has been a considerable improvement. We no longer are selling wheat for 25 to 30 cents a bushel and cotton for 4 to 6 cents a pound.

BENEFITS OF AGRICULTURAL ADJUSTMENT ACT

Many criticized the Congress and the President when the Agricultural Adjustment Act was passed, declaring it unconstitutional and un-American. But it must be admitted that it saved the cotton farmer from complete collapse in 1933 and sent millions of much-needed cash into the State of Oklahoma, both in the form of plow-up checks and increased prices of cotton. Congress cannot be criticized for the mistakes made in administering the act.

BANKHEAD BILL DRASTIC 1-YEAR EXPERIMENT

Now a hue and cry has gone up against the President and Congress because of the passage of what is known as the "Bankhead cotton control bill." Frankly, I opposed the bill as a 5-year plan, but supported it, at the President's request, as a 1-year emergency measure. The bill is a drastic effort to save the farmer from 3- to 4-cent cotton this fall. Its sponsors believe it will force in line those big planters of the South who threatened to double or treble their acreage and take advantage of the fact that a majority of the farmers in Oklahoma and the other producing States had agreed to cut their acreage voluntarily. These big planters fought the bill bitterly and are criticizing the President for asking for the bill and for signing it. One of the striking things is that the only person who appeared before the committee opposing the bill was a gentleman from the State of Mississippi who manages a corporation-owned plantation of 48,000 acres, which he said was tilled by about 1,600 share croppers. He revealed that 60 percent of the stock in his corporation was owned in England. Those foreign stockholders care little for their 1,600 tenants, and less for the American farmer. I am sure the gentleman's testimony did more than any one thing to bring about the passage of this bill by a vote of 235 to 105, with every old-guard Republican leader voting against it.

EMERGENCY LEGISLATION INSUFFICIENT

I am convinced, however, that if the farmer is to come into his own, Mr. Speaker, that he must have something more substantial than emergency legislation. Crop reduction and curtailment will not solve the problem. Consumption of all farm commodities must be increased by increasing purchasing power.

Economists tell us that on the day Franklin D. Roosevelt was inaugurated President our debts, public and private, exceeded the total wealth of the land for the first time in our history. That is an alarming fact. Farm indebtedness, in mortgages on real estate, crops, and chattels, accounted for a staggering share of that great load of debt, most of them made when prices of things the farmer has to sell were fairly high. When prices collapsed a vast army of the finest people in the land were driven from their homes by foreclosure. Many others face foreclosure today. They are bankrupt and cannot pay their interest and taxes. One thing the previous administration did not seem to realize is the fact that it is impossible for 5-cent cotton to pay off a mortgage made when cotton was 20 cents a pound.

FARMERS DEMAND SQUARE DEAL

Is it any wonder that our farmers feel they have not had a square deal when they remember that during all this time our Government was providing cheap money through the Reconstruction Finance Corporation to lend to failing banks, mortgage companies, and gigantic corporations? Government loans provided mortgage companies with ready cash to meet their obligations, permitting them to foreclose on

farms and hold the real estate for the advance in prices they knew was coming. I favor legislation to force these mortgage companies to sell their land back to the former owners at the price they paid for it and I also favor exempting homesteads from taxation. Corporation farming is one of the big threats facing our country today.

FAVOR FRAZIER-LEMKE BILL

In this connection, let me remind Members of this House once more than I favor the Frazier-Lemke bill to lend money to farmers at a low rate of interest over a long period of years, permitting them to save their homes and regain their farms. It would permit the tenant farmer to refinance his debts and get out from under impossible burdens so that he can own his own home. It would aid materially in helping fulfill the fondest dreams of thousands of energetic, ambitious, and honest but landless citizens. [Applause.]

This bill is part of the Farmers Union program, a program I have supported loyally during my four terms in Congress. Another bill the Farmers Union advocates is the Wheeler bill to remonetize silver. That, if passed, would help increase the price of farm commodities and permit farmers to pay off their debts with money somewhere near the same value as when the debts were made.

Many leading farmers in every county of the district I represent have endorsed my stand for the Frazier-Lemke bill and the Wheeler silver bill. I am reminded of what a good farmer friend residing at Fletcher, Okla., recently wrote:

We must have cheap money. If the Government can lend money to foreign countries and railroads and corporations at 1 to 1½ percent, I don't see why the farmer can't get it when he has old mother earth for security. We must have a better price for our produce and cheaper money if we are ever to get out of the woods.

LEI'KE-M'KEOWN BILL

This morning I appeared with the Honorable WILLIAM LEMKE and other members of the farm bloc in Congress before the Rules Committee and made a plea for a rule in behalf of a modified Lemke-McKeown bill, recently reported out of the Judiciary Committee. This, of course, is not the Frazier-Lemke bill; but if passed it would bring relief to many distressed farmers who otherwise will face foreclosure of their homes.

The silver bill passed the other day by this House is not altogether satisfactory to me; but if the administration of it is sympathetic, it will put more than a billion dollars of silver into circulation and is certain to raise prices of all farm products, something we must have before we can hope to enjoy any appreciable prosperity. Although the bill as passed was not altogether satisfactory to me, it was far better than nothing.

FEDERAL FUNDS FOR WEAK RURAL SCHOOLS

The depression crippled practically every rural school in the State of Oklahoma. Farmers not only lacked money to buy food and clothing, had no money to pay taxes, but also were unable to keep their schools open. Thousands of children were affected. The Federal Government came to the aid of the so-called "weak" schools in a limited way during the year just closed. But that was not enough. I hope to see educational opportunities equalized for all our boys and girls and the heavy burden for support of the schools lessened. During this session I introduced a measure which would do that, and have been urging \$75,000,000 Federal funds for our schools next year. It now seems, however, that this amount may be cut to \$48,000,000 for our weak schools next year.

PROPOSED TEXTBOOK CODE

I am also glad that another House resolution I introduced blocked a code proposed by the big textbook companies which would have abrogated existing contracts, side-stepped State laws, and hiked prices generally. Schoolmen who investigated the matter stated before the House Rules Committee that the code, if adopted as proposed, would have cost the people of the country \$10,000,000.

VETERANS' CUTS AND FEDERAL SALARIES

Local taxpayers were relieved of additional charity burdens when this Congress voted a measure of relief to some

29,000 disabled World War veterans, cut off and left at the mercy of private charity and local taxpayers by harsh and unreasonable rules of the Veteran's Administration. We provided small monthly compensation for the 29,000 presumptively service-connected veterans, 90 percent of whom are tuberculars or mental cases, with the passage of the much misunderstood independent offices appropriation bill. That bill carried out three of the four points of the American Legion's program for relief of disabled veterans and their dependents. In order to provide relief for these deserving veterans, it was necessary to cut salaries of Members of Congress \$500 a year and reduce all Government salaries 5 percent, but I was glad to do that in keeping with my pledge to the people of the Sixth District that I would do everything in my power to see that these disabled veterans got a square deal. The bill, although it provided \$9,312,500 for these presumptives, reduced governmental expenses \$105,000,000 by continuing Federal salary cuts that otherwise would have expired June 30, 1934.

Mr. PATMAN. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes; I yield with pleasure.

Mr. PATMAN. I am very much interested in the gentleman's constructive statement. If the gentleman will permit, I should like to say I am sure that the veterans, as well as the farmers, of his State of Oklahoma, appreciate the good work the gentleman is doing and has done in the past for them.

Mr. JOHNSON of Oklahoma. I thank the distinguished gentleman from Texas for his generous compliment.

SHOULD AMERICAN BAYONETS PROTECT INVESTMENTS?

There has been a great hue and cry made by Wall Street income-tax-payers and tax evaders about the enormous cost of caring for our helpless and disabled war veterans. The National Economy League, composed largely of war profiteers, did not warn us of the enormous cost of war when we were about to get into the last one. They were strangely silent when the Hoover and prior administrations sent American marines and gunboats into Central America and other foreign lands to protect American investments. I favor protecting our citizens, but I am not one who believes the flag should follow the dollar when it goes off into some foreign land hunting for bigger profits and greater dividends. American exploitation of Central and South America, under the shadow of American bayonets and with the full protection of American battleships, almost wrecked the independent oil industry of America in order to protect the Mellon interests, the Dutch Shell, the Standard Oil, and other Wall Street millionaires who had made investments in those foreign lands.

TREMENDOUS COST OF WAR

All of us know that generations yet unborn will continue for many years to pay the staggering cost of the last war. War should be abolished if for no other reason than the tremendous tax burden that always follows in its wake. No civilized person wants this great country of ours again thrust into the throes of war. Speaking on this subject, February 17, 1932, on the floor of this House I said in part:

Men who have faced machine guns, who have suffered the privations and hardships of war, who have stood in the muddy, filthy, cootie-infested trenches of Flanders Field, Chateau-Thierry, and the Argonne Forest, do not desire another war. They abhor the thought of another armed conflict. The sad memories of the last one to thousands are not only a terrible nightmare but a grim reality. They think of war as heartless military murder. They know, too, that war is utterly useless and seldom settles anything. Mothers, wives, and sisters of our war veterans are more bitter against war. Millions of innocent and helpless children cry out against war.

WOULD ELIMINATE WAR PROFITEERING

For many years I have been insisting that one of the most practical ways of lessening the likelihood of future wars is by conscripting money and materials as well as men in time of war. In my first race for Congress I advocated what is known as the "Universal Draft Act", to eliminate war profiteers, at which time I called attention to the fact that some 30,000 new millionaires were made during the last war, many of whom profiteered to the tune of from 500

to 1,000 percent. The proposed Universal Draft Act was not popular then, as few seemed to care about war profiteers, but we are becoming war conscious now and sentiment has been growing until Members who shunned the universal draft a few years ago are now supporting it enthusiastically. In one of my first speeches made on this subject in Congress, back in 1928, I said, among other things:

If peace is to be maintained in this great land of ours, we must take the profits out of war. We must eliminate the blighting effects of the damnable profiteers who have amassed great fortunes out of war. We must make it plain to our people and the world that property is no more sacred to America than human lives. We must conscript every available resource in this country in case of armed conflict. That will do far more, Mr. Speaker, toward perpetuating the peace of the world than all the peace conferences held in the past decade. Let us eliminate the profits of war, and then, when the other nations follow our example, peace will breathe as fragrantly in the world almost as if the day of redemption had come.

It is a source of much regret to me that this Congress, like preceding Congresses, has ignored not only the proposed universal draft but several other important progressive proposals of far-reaching importance.

FIGHT AGAINST POVERTY WORSE THAN WAR

Believing that those who profited most out of the war and believing also that those who are best able to pay should be taxed more heavily for the expenses of running this great Government that has been so good to them, I did not hesitate to vote during the present session to increase income taxes, especially in the higher brackets. I am glad to say that I was one of the 79 Members of this House who voted for another 10-percent increase, added by the progressives of the Senate after the House had raised income-tax rates to war-time levels. We are now and for the past 2 years have faced conditions that in some respects are worse than war. We are facing a war against poverty, unemployment, and almost universal distress. It takes money to fight a war of that kind. Someone is going to have to pay the bill for the billions we are spending to feed the hungry of the land and provide work for the unemployed. Why not make those best able to pay bear the brunt of the burden?

GOVERNMENT EXPENSES MUST BE CUT

Speaking on this subject of taxation on the floor of the House not long ago I said in part:

But my distinguished and able friend has repeatedly asked the question today, "What do you propose to do about it?" That is a fair question and I propose to answer it. Aside from increasing the surtax, corporation tax, income tax, gift tax, and estate tax I would reenact the excess-profits tax that brought in over \$300,000,000 in 1921. Then I would cut expenses of the Government to the bone before calling on the people for additional taxes. I would actually abolish countless commissions and overlapping and useless boards and bureaus. You cannot cut too much there for me. I would cut and slash Federal salaries, especially in the higher brackets. Personally, I would gladly accept a cut of 10 percent, 20 percent, or more in order to do my part to assist the recovery program.

MADE NO EXTRAVAGANT PROMISES

No doubt many of the new Members who came here for the inauguration with various measures they had hoped to have passed immediately have been disappointed because these measures are still languishing in committees. They have been disappointed to find that seniority is everything in the House and that no Member can hope to gain a position of power and influence without serving 8 or 10 years as an apprentice here. I felt that same disappointment keenly when I came here 8 years ago and found I could not get the major committee assignments I felt I deserved because of my many years of previous service in the Oklahoma State Senate. I must say I was more than surprised when I found that a new Member could not even make a motion to adjourn without special permission from the Speaker. Fortunately, however, I had made no wild and extravagant promises in my campaign and had not told the people I would set the world on fire if elected.

HELPED WRITE MUSCLE SHOALS BILL

In touching on the accomplishments of the Seventy-third Congress, I am proud of having had a small part in sponsoring one bill of great national importance—the Muscle

Shoals bill. It was my good fortune to be a member of the delegation that went to Muscle Shoals with the President and Senator NORRIS, and to be a member of the subcommittee that wrote the Muscle Shoals bill, one of the first major measures asked for by the President and one that promises to outline a new and far-reaching national policy on the controversial power question.

During the present Congress I have thoroughly enjoyed my work, although my responsibilities, as well as my opportunities for greater service, have increased manifold. Correspondence is many times as heavy as it was even 2 years ago. More than 100,000 letters have come to my desk since the inauguration of President Roosevelt. It is obvious that the two clerks allowed me under the law could not begin to do the work required in my office. I have, therefore, been glad to employ considerable extra office help at my own expense in order to give prompt and efficient service to the people of the Sixth District.

PEOPLE WILL NOT BE SWEEPED OFF FEET

I am proud to have the honor to represent the splendid people of the Sixth District. They have been loyal to me under all circumstances. They have not been swept off their feet by wild charges and insincere statements of those who have sought to destroy me in the past, and they will not do so now. I have an abiding faith in the people. I have remained at my post of duty here, feeling it my patriotic duty to render every possible assistance in helping bring order out of chaos. That is much more important than the reelection of any Member of Congress. I have refused to go home and campaign, even though my friends insisted that I do so, because I have hoped to have an opportunity before the close of this session to vote for the Frazier-Lemke bill, old-age security legislation, and several other progressive measures of so vital importance to the farmers and plain people of America. I feel that it is the solemn duty of each of their true friends to remain at his post here as long as there is any possibility of being of service, either in voting for progressive legislation or in killing bad legislation.

I HAVE KEPT THE FAITH

In closing, let me say that I am proud of the record I have been able to make during my four terms in Congress. The increased majorities given me by the voters of the district have not only been a personal satisfaction to me but have added materially to my influence and power with my colleagues and administration leaders at the National Capital. At any rate, I feel in my heart that I can look my constituents in the face and paraphrase the saying I learned at my dear old mother's knee, "I have fought a good fight; I have kept the faith." And I know the people will keep faith with me. [Applause.]

THE PRIVATE CALENDAR

The SPEAKER pro tempore. The Clerk will call the first bill in order on the Private Calendar.

CONCRETE ENGINEERING CO.

The Clerk called the bill (S. 1540) for the relief of the Concrete Engineering Co.

The SPEAKER pro tempore. Is there objection?

Mr. HOPE. Mr. Speaker, I object.

WESTERN UNION TELEGRAPH CO.

The Clerk called the bill (S. 2139) for the relief of the Western Union Telegraph Co.

The SPEAKER pro tempore. Is there objection?

Mr. TRUAX. Mr. Speaker, I object.

Mr. EAGLE. Mr. Speaker, I object.

MEMBERS OF RESERVE OFFICERS' TRAINING CORPS

The Clerk called the next bill, S. 2688, to validate payments for medical and hospital treatment of members of Reserve Officers' Training Corps and citizens' military training camps.

The SPEAKER pro tempore. Is there objection?

Mr. EAGLE. Mr. Speaker, I object.

CALL OF THE HOUSE

Mr. ZIONCHECK. Mr. Speaker, I suggest the absence of a quorum.

The SPEAKER pro tempore. The Chair will count. [After counting.] Evidently there is no quorum present.

Mr. TRUAX. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 185]

Abernethy	Deen	James	Rich
Adair	De Priest	Jeffers	Richardson
Allgood	DeRouen	Kee	Robertson
Andrew, Mass.	Dickstein	Kelly, Pa.	Sadowski
Andrews, N.Y.	Dirksen	Kennedy, Md.	Schaefer
Arnold	Disney	Kennedy, N.Y.	Sears
Auf der Heide	Dockweiler	Kenney	Seger
Bacon	Douglass	Kurtz	Shoemaker
Beck	Doutrich	Kvale	Simpson
Belter	Duffey	Lanzetta	Sirovich
Berlin	Dunn	Lea, Calif.	Smith, Va.
Biermann	Edmonds	Lee, Mo.	Smith, Wash.
Boland	Ellenbogen	Lesinski	Smith, W.Va.
Bolton	Eltsch, Calif.	Lewis, Md.	Snell
Boylan	Englebright	Ludlow	Snyder
Brennan	Faddis	McCormack	Steagall
Brooks	Fernandez	McDuffie	Stokes
Brown, Ky.	Focht	McLean	Sullivan
Browning	Ford	McLeod	Summers, Tex.
Buckbee	Frear	Maloney, La.	Swank
Burnham	Frey	Marland	Taber
Caldwell	Fuller	Marshall	Taylor, Tenn.
Cannon, Wis.	Gambrill	Martin, Oreg.	Terrell, Tex.
Carley, N.Y.	Gasque	Millard	Thurston
Carter, Calif.	Gifford	Monaghan, Mont.	Treadway
Celler	Goldsborough	Montague	Waldron
Chase	Goodwin	Montet	Walter
Church	Goss	Muldowney	Weideman
Cochran, Pa.	Granfield	Norton	West, Ohio
Collins, Miss.	Green	O'Brien	Wigglesworth
Connery	Greenway	Oliver, Ala.	Wilcox
Cooper, Ohio	Griffin	Oliver, N.Y.	Willford
Corning	Haines	Parks	Withrow
Crosby	Hancock, N.C.	Parsons	Wood, Ga.
Crowe	Hart	Peavey	Woodrum
Crowther	Healey	Perkins	Young
Cullen	Hess	Peterson	
Cummings	Hoeppel	Prall	
Darden	Huddleston	Reid, Ill.	

The SPEAKER. Two hundred and seventy-four Members have answered to their names. A quorum is present.

On motion by Mr. BYRNS, further proceedings under the call were dispensed with.

AN OUTRAGEOUS ATTACK ON THE POOR MAN'S SOURCE OF SUPPLY—HOW THE NATIONAL RECOVERY ADMINISTRATION IS USED TO CARRY OUT THE WHIMS OF SELFISH CLIQUES

Mrs. JENCKES of Indiana. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mrs. JENCKES of Indiana. Mr. Speaker, I feel I would be neglectful of my duty as a Member of Congress if I failed to call to your attention and the attention of the Congress and the people of the Nation with great emphasis today, to an outrageous proceeding now being fostered by certain persons connected with the National Recovery Administration and certain code authorities. A proceeding, Mr. Speaker, which, in fact, is an outrageous attack upon one of the oldest industries in America, an industry which is a source of supply for the poor man and woman of this Nation—those who toil in the fields and factories of America. I refer to the proposed hearing scheduled for Monday, June 18, in the auditorium of the Department of Commerce Building, at which a little clique of New York union organizers and clothing and dress manufacturers will attempt to lay the foundation for the ultimate destruction of the cotton-garment industry. This industry now gives employment to between 180,000 and 200,000 men and women in 3,800 factories, scattered through 42 States of the Nation, and many of these factories are located in my own State and district of Indiana.

Were it not so serious in its effect upon the men and women of this Nation as a whole, the proposal which is being made by the clique to which I refer would be amusing. It is unfortunate indeed that the National Recovery Administration and the President of the United States should be imposed upon in the manner which I will relate, and I think you will agree when I have outlined to you the

facts that it is high time we ponder seriously upon the extent to which an otherwise salutary law may be used for selfish ends.

The 3,800 factories in the cotton-garment industry in America produce work shirts, work trousers, men's and boys' cotton pants, cotton wash dresses, and other items of apparel used by the farmers of this Nation—the toilers of this Nation—the wives and children of our people, upon whom fortune has not bestowed the wherewithal to robe themselves in more princely attire. The industry of which I speak is the industry which sold to that truck driver you see passing the denim overalls he wears. It is the industry which sold to the basement store the cotton wash dress in which the farmer's wife attempts to look her best in the evening of her worried day. It is the industry which places on the miner's back and the iceman's back and the service-station worker's back the work shirt, without which he could not perform the functions of his daily routine. It is the industry which provides the cotton trousers for your youngsters. Its products are worn today by those who make up the bulk of our citizenry, from the men who swing the pick to the men who guide the lathe.

It is the largest industry consuming cotton goods in the world. Upon its successful development in the totality of our industrial life depends largely the welfare of the cotton farmers of the South. I especially invite the attention of my colleagues from the cotton-producing States to this situation.

Can you think of an industry with a wider or more potent influence upon our daily life than the cotton-garment industry?

And yet there are those who are fashioning the destruction of the industry and are attempting to use high-sounding language in connection with the National Industrial Recovery Act to cloak their schemes. But no high-sounding language can successfully obliterate facts.

Leaders of this great industry, after 6 months of daily corridor pacing at the National Recovery Administration Building, finally obtained approval of a code of fair competition on November 17, 1933, having presented their code for approval back in July 1933. The International Association of Garment Manufacturers, which for 25 years has held together in a representative trade association the leading firms of this great industry, fought step by step through all the red-tape mechanisms of N.R.A. to hold the cotton-garment industry in one workable code, and to those leaders and to the cotton-garment code authority this Nation is indebted today for having wiped out the sweatshop or the substandard shop and raised this industry to the dignity of a potent factor in national recovery.

The \$3 per week operator, who slaved for 50 hours stitching in the hot summer and cold winter of 1932 has disappeared from American industry.

No power on earth could have brought this about except the intelligent, concentrated effort of the leaders of this industry, working under a code of fair competition, and just when the fruits of 1 year's efforts are being realized, the clique attacks.

One of the outstanding figures in all the deliberations attending the consideration of the cotton-garment code was one, Sidney Hillman, who since the inception of N.R.A. has, with respect to the apparel industry, enjoyed an almost autocratic power as member of the Labor Advisory Board, assigned to the clothing and apparel sections.

Mr. Hillman also enjoys the position of consulting member of the Consumers Board, and is at the same time president of the Amalgamated Clothing Workers of America, a union organization dominating the clothing industry, and located, except negligibly, in the metropolitan area of New York City.

Mr. Hillman as a labor organizer has been one of the most successful in the field. He is a power in that field. He is the power and brains of the Amalgamated Clothing Workers' Union. Without him little is done in the clothing industry, and by that industry I refer to the manufacture of woolen clothing, suits and overcoats. As a result of an

untiring daily activity in the affairs of N.R.A., Mr. Hillman's word in connection with codes affecting apparel is perhaps as powerful in the offices of N.R.A. as it is within the union organizations he dominates and controls. There is nothing in the cotton-garment code today except that to which Mr. Hillman agreed, and much of what was sought to be placed in the cotton-garment code by the leaders of the industry who knew the industry's problem, was eliminated from the code at Mr. Hillman's demand. An able, clever, and intelligent union protagonist, he has naturally grown into a position of importance second to none in N.R.A.

Mr. Hillman's activities are largely centered on consideration of codes now coming under the supervision of Divisional Administrator Sol Rosenblatt, who rose to prominence at N.R.A. through his identification with the motion-picture and theatrical codes, but who now enjoys the supervisory direction, not only of the codes mentioned but also codes including that on burlesque, legitimate drama, circuses, advertising, cleaning and dyeing (what is left of it), the trucking industry, and 40 apparel codes, alphabetically ranging from academic costumes through corsets and brassieres, flags, furs, handkerchiefs, hand bags, millinery, rosebuds, and undergarments.

Under Mr. Rosenblatt, who has had wide experiences and acquaintances in New York, you will find Mr. Morris Greenberg, also from New York, who acts as Special Deputy Administrator in connection with certain cotton-garment matters, a Mr. Farnsworth, and a Mr. Hughes. The latest addition to the staff of Mr. Rosenblatt is a Mr. Edwards, reported to be an ex-New York building contractor; a Mr. Beecroft, who formerly was connected with a New York merchandising house, who went to N.R.A. as an authority on women's dresses; a Mr. Barr and a Mr. Vincent, who was formerly an attorney. Mr. Rosenblatt has the legal counsel, so far as the apparel codes are concerned, of three young lawyers, Messrs. Levi, Raphael, and Barenboim. There are many other aids, assistants, secretaries, and supernumeraries.

Mr. Edwards, who is just assuming his duties, succeeds Dr. Earl Dean Howard, professor at Northwestern University, who is returning to his school, having served at N.R.A. since the inception of the cotton-garment code. He was formerly vice president of the Hart, Schaffner & Marx Co., largely dealing in labor affairs, and has been a very close friend of Sidney Hillman, the labor leader, for a number of years. Dr. Howard's admiration for Mr. Hillman's judgment was an open secret at N.R.A.

It was during Dr. Howard's general supervision of the apparel section that Prof. Lindsey Rogers, of Columbia University, held sway. Professor Rogers was frequently called as an administrator in New York's labor difficulties. He was a friend of both Mr. Howard and Mr. Hillman and was located in an institution of learning within the confines of the island of Manhattan. He was the man whom the N.R.A. picked to take charge of the cotton-garment code. When it was proposed, Professor Rogers conducted the hearing on the code. He, with Mr. Howard, Mr. Hillman, and others mentioned, also had charge at N.R.A. of the men's clothing code set-up for the industry which Mr. Hillman dominates through his union organization. They also heard the dress code set-up for the industry manufacturing the more expensive of women's dresses, exclusive of women's cotton dresses, which industry is largely located within the city of New York and largely dominated by the union organizations of which union Mr. David Dubinsky of New York is the powerful and controlling personality.

It is difficult to keep track of all of these New York figures as they made their entrances and their exits. There was, for instance, Mr. Gitchell, who drifted into the cotton-garment picture about the time Professor Rogers stepped out. Mr. Gitchell came from New York where he was connected with a retail store and he brought with him all the ideals and ideas of New York's humdrum merchandising of business. He still enjoys the position of administration member of the dress code authority, located in New York, and has for some time been acting chairman of that code authority.

And now we come to the bug under the chip. The dress code authority has asked the administration to hold a hearing to find out whether or not cotton wash dresses sold in the house-dress departments of the leading stores of the Nation and in the basements of certain other stores and sold to the wives of the working men and farmers of the Nation may be moved into the dress code from the cotton-garment code so that the New York industry may dominate and control the manufacture of the poor woman's raiment, through the operations of Mr. Gitchell, Mr. Dubinsky, and others in the dress code group.

In passing, I may state that the general counsel of the dress code authority is an able young gentleman from the West who served as counsel for Mr. Gitchell, Dr. Howard, Professor Rogers, and others at N.R.A. before assuming this position with the dress code authority.

The men's clothing code authority—entirely dominated by Mr. Hillman, the friend of Dr. Howard, retiring administrator, and closely identified with the New York clique—has asked the administrator to determine whether all of the cotton pants and all of the lumberjacks, and various other similar items should not be transferred to the men's clothing code, with the result that the industry, which produces cotton garments for the farmers and workmen of America may fall within the complete domination of the wool-clothing industry dominated by Mr. Hillman.

Of course, all of this is not done in a crude manner. It comes about by a proposal of the apparel group that the wages of all of the apparel codes be brought into somewhat of a uniformity.

In other words, the unions dominating the clothing and dress industries now seek to force upon the cotton-garment industry of the Nation the complete domination of that industry by the New York clique.

No thought is given to the fact that such a move would wreck the cotton-garment industry completely and destroy the largest single domestic market for the cotton crop.

No thought is given to the fact that the cheap prices of cotton garments sold to the farmers and workmen of America would be raised to a point where the operation of consumer acceptance would cause cotton garments to disappear entirely from the market and result in wide-spread unemployment.

No thought is given to the fact that it would take approximately 10 or 12 units of production in the cotton-garment industry to equal in value one unit of production in the clothing industry.

The scheme is clearly a New York clique's clever move to force the woolen clothing and the dress industries into positions of complete domination of the apparel business of the Nation to the ultimate extinction of the cotton-garment industry.

It is amazing that so little attention is paid by the general public to this attempt to saddle upon the poor men and women of this Nation a burden of higher-priced apparel in the face of existing conditions. There seems to be a complete indifference to the fact that the prices being paid by the farmers and workmen of this country for products of the cotton-garment industry have already advanced approximately 75 percent over the prices of 1932 through the operation of the cotton-garment code minimum wages and hour provisions and the additional cost of cotton fabrics resulting through the textile code.

There seems to be a deliberate attempt to keep from the public the fact, for instance, that the cotton pants which the farmers and workmen of this Nation have been buying, have ranged from \$1 to \$2 through the ups and downs of market prices for years, and that there is now going on a proceeding to force the cotton-garment industry to a point where those prices will forever disappear on the market where such apparel has been previously bought.

One point that is particularly significant is that the cotton-garment industry is the industry to which the prisons of many States turned for the employment of prisoners. For instance, in 1932, prisons produced and sold on the open market approximately 20,000,000 work shirts. Free fac-

tories in that same year produced 62,000,000 work shirts. In the same year prisons produced 7,000,000 work pants, while private manufacturers were disposing of 27,000,000 work pants. The prisons produced large quantities of overalls and other cotton apparel products. It was to meet these prison products that the sweat shop largely grew up in the cotton-garment industry. These prison sales grew up over many years, and during the last 10 years the cotton-garment industry made a bitter fight on prison labor and succeeded in the enactment of certain remedial legislation. During all the time the cotton-garment industry did not receive from either Mr. Hillman's union or from the clothing or dress industry one iota of assistance or one dollar in contribution.

When the clothing code, in which Mr. Hillman was vitally interested, and when the dress code, in which the New York clique was interested, went to Gen. Hugh S. Johnson, there was no mention in the codes of prison labor, but the cotton-garment industry ruled prison labor out of the industry in its code.

Obviously, neither Mr. Hillman, nor the clothing industry, nor the dress industry considered prison competition as a vital factor, but prison competition was threatening to destroy the cotton-garment industry.

Now, however, you will find that the same crowd which saw no objection to prison pants or prison wash dresses suddenly discover a competition to the woolen clothing and dress industry in privately made cotton pants, dresses, and work clothing.

Mr. Hillman has suddenly become a very loud and aggressive opponent of prison labor. Prior to N.R.A. he took no open or active part in any of the National or State movements calculated to stop prison labor.

Another significant little fact may be stated: The question of processing tax on wool as a result of the cotton-processing tax came up a few months ago.

Mr. William Goldman, one of the outstanding clothing manufacturers of the country, located in New York, was appointed head of the research committee of the clothing industry. Mr. Goldman found that there was no competition between cotton and woolen clothing. Yet today the New York clique is attempting to show that the cotton slacks in the poor man's country store threatens the very existence of the sport flannel trousers which the richer gentlemen of the country enjoy during the warm seasons, and the clothing code authority would place the poor man's cotton slacks under the domination of the New York clique producing flannel trousers.

Mr. Speaker, I shall not go further into detail. Much more will be brought out at the hearings. There is only a negligible production of cotton garments in the manufacturing plants of the New York area, dominated by the New York clique, and yet this little group is attempting to use the purposes and policy of the National Industrial Recovery Administration by taking into their jurisdiction and dominance 80 percent of an age-old industry, scattered through 42 States of the United States and who now pay their men and women employees decent wages in comparison to the prices of the products they make. It is unthinkable that this move should succeed.

For the information of the Members of Congress representing districts outside of the city of New York I desire to give you a chart showing the total number of cotton-garment, wash-dress, and pants factories located in the various States of the Union. I appeal to my colleagues in these States to become informed concerning the danger threatening the factories and employees in your district.

Location of cotton-garment plants by States

	All cotton-garment factories	Wash-dress factories	Pants factories
Alabama.....	21		9
Arizona.....	1		1
Arkansas.....	9	3	3
California.....	185	47	45
Colorado.....	11	2	3

Location of cotton-garment plants by States—Continued

	All cotton-garment factories	Wash-dress factories	Pants factories
Connecticut.....	61	17	7
Delaware.....	20	5	2
District of Columbia.....	2		1
Florida.....	8	1	1
Georgia.....	62	9	30
Illinois.....	223	66	45
Indiana.....	85	6	17
Iowa.....	29	2	12
Kansas.....	18	2	3
Kentucky.....	33	30	16
Louisiana.....	22	1	7
Maine.....	21	1	14
Maryland.....	164	13	47
Massachusetts.....	201	41	60
Michigan.....	54	6	13
Minnesota.....	66	5	12
Mississippi.....	14	2	2
Missouri.....	120	14	40
Montana.....	1		
Nebraska.....	11	2	4
New Hampshire.....	10	2	5
New Jersey.....	228	70	61
New York.....	1,124	166	53
North Carolina.....	43	1	10
Ohio.....	113	20	19
Oklahoma.....	15	1	3
Oregon.....	17	2	3
Pennsylvania.....	489	101	76
Rhode Island.....	8	1	
South Carolina.....	11		3
Tennessee.....	63	6	15
Texas.....	107	10	43
Utah.....	9	4	3
Vermont.....	11	3	4
Virginia.....	37	4	8
Washington.....	30	7	7
West Virginia.....	18	4	8
Wisconsin.....	43	5	11
Total.....	3,818	682	728

In conclusion, I appeal to Members of the Congress, workers, consumers, and merchants to join in combating this insidious effort to move industries from the small towns to the large metropolitan areas.

I am loyal to the administration of President Franklin Delano Roosevelt, and the new deal, and I intend to continue to be loyal, but I am determined to prevent this grave injustice to a most necessary industry.

APPROPRIATION FOR EMERGENCY CONSTRUCTION OF PUBLIC HIGHWAYS

Mr. CARTWRIGHT. Mr. Speaker, I call up the conference report on the bill (H.R. 8781) to increase employment by authorizing an appropriation to provide for emergency construction of public highways and related projects, and to amend the Federal Aid Road Act, approved July 11, 1916, as amended and supplemented, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. CARTWRIGHT]?

There was no objection.

Mr. CARTWRIGHT. Mr. Speaker, before the Clerk reads the statement I ask unanimous consent to make a correction on page 5 of the statement: "\$75,000,000" should be "\$75,000." I ask unanimous consent to make that correction.

The SPEAKER. Without objection, the correction will be made.

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8781) to increase employment by authorizing an appropriation to provide for emergency construction of public highways and related projects, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 5.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 7, 8, 9, 11, 12, 14, 15, 17, 19, 20, 21, 23; and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment, insert the words: "in making grants under said section to"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the figures "\$30,000,000", as proposed by said amendment, insert the figures "\$24,000,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sums of "\$100,000,000", which appear twice in said amendment, insert in each instance the sums of "\$125,000,000"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sums of "\$10,000,000", which appear twice in said amendment, insert in each instance the sums of "\$7,500,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 10. Section 19 of the Federal Highway Act, approved November 9, 1921, is hereby amended to read as follows:

"SEC. 19. That on or before the first Monday in January of each year the Secretary of Agriculture shall make a report to Congress, which shall include a detailed statement of the work done, the status of each project undertaken, the allocation of appropriations, an itemized statement of the expenditures and receipts during the preceding fiscal year under this act, and itemized statement of the traveling and other expenses, including a list of employees, their duties, salaries, and traveling expenses, if any, and his recommendations, if any, for new legislation amending or supplementing this act. The Secretary of Agriculture shall also make such special reports as Congress may request."

And the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter inserted in said amendment insert the following:

"SEC. 12. Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that use at least the amounts now provided by law for such purposes in each State from State motor-vehicle registration fees, licenses, gasoline taxes and other special taxes on motor-vehicle owners and operators of all kinds for the construction, improvement and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Agriculture shall promulgate from time to time: *Provided*, That in no case shall the provisions of this section operate to deprive any State of more than one-third of the amount to which that State would be entitled under any apportionment hereafter made, for the fiscal year for which the apportionment is made."

And the Senate agreed to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

"SEC. 15. To provide for the continuation of the cooperative reconnaissance surveys for a proposed inter-American highway as provided in Public Resolution No. 104, approved March 4, 1929 (45 Stat. 1697), and for making location surveys, plans, and estimates for such highway, the Secretary of Agriculture is hereby authorized to expend not more than \$75,000 to pay all costs hereafter incurred for such work from any moneys available from the administrative funds provided under the act of July 11, 1916 (U.S.C., title 23, sec. 21), as amended, or as otherwise provided."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate changing the title of the bill, and agree to the same.

WILBURN CARTWRIGHT,
LINDSAY C. WARREN,
WILL. M. WHITTINGTON,
C. MURRAY TURPIN,
CLYDE KELLY,

Managers on the part of the House.

KENNETH MCKELLAR,
CARL HAYDEN,
GEO. MCGILL,
THOMAS D. SCHALL,
LYNN J. FRAZIER,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3781) to increase employment by authorizing an appropriation to provide for emergency construction of public highways and related projects, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of said amendments, namely:

On amendment no. 1: Authorizes \$200,000,000, as proposed by the Senate, instead of \$400,000,000, as proposed by the House.

On amendment no. 2: Inserts in lieu of the matter proposed by the Senate the words "in making grants under such section to".

On amendment no. 3: Inserts in lieu of the word "such", the words "their highway", as proposed by the Senate.

On amendment no. 4: Provides, as proposed by the Senate, an exception in the following language: "Except that the Secretary of Agriculture, upon request and satisfactory showing from the highway department of any State, may fix a less percentage of the apportionment of such State for expenditure on secondary or feeder roads."

On amendment no. 5: Eliminates, as proposed by the Senate, an allocation of \$250,000 in the Virgin Islands, \$1,500,000 in Alaska, and \$1,000,000 in Puerto Rico.

On amendment no. 6: Strikes out, as proposed by the Senate, \$30,000,000 and inserts in lieu thereof, \$24,000,000, so as to authorize \$24,000,000 instead of \$50,000,000, as proposed by the House in said section 2.

On amendments nos. 7 and 8: Includes the survey, construction, and maintenance proposed by the Senate and monuments (including areas transferred to the National Parks Service for administration by Executive order dated June 10, 1933) and national forests, as proposed by the Senate.

On amendment no. 9: Strikes out section 3, as proposed by the House, and inserts section 3, as proposed by the Senate, so as to provide for emergency repair or construction without prior specific appropriation therefor, not to exceed the sum of \$10,000,000.

On amendment no. 10: Authorizes an appropriation for Federal highway construction for each of the fiscal years 1936 and 1937 of \$125,000,000 in lieu of the \$100,000,000 proposed by the Senate, and provides that the sums authorized

shall be available for expenditure for 1 year instead of for 2 years as heretofore.

On amendment no. 11: Authorizes the sum of \$10,000,000 for each of the fiscal years 1936 and 1937 for forest highways, as proposed by the Senate.

On amendment no. 12: Authorizes for each of the fiscal years 1936 and 1937 the sum of \$2,500,000 for main roads through public lands, as proposed by the Senate.

On amendment no. 13: Authorizes for roads and trails in national parks for each of the fiscal years 1936 and 1937 the sum of \$7,500,000, in lieu of the \$10,000,000 proposed by the Senate.

On amendment no. 14: Authorizes for each of the fiscal years 1936 and 1937 for Indian reservation roads, \$4,000,000, as proposed by the Senate.

On amendment no. 15: Provides that, as proposed by the Senate, the term "highway", as defined in the Federal Highway Act, shall include such main parkways as may be designated by the States and approved by the Secretary of Agriculture as part of the Federal-aid highway system.

On amendment no. 16: Provides, as proposed by the Senate, that the Secretary of Agriculture shall make annual reports hereafter on the first Monday in January instead of on the first Monday in December, as heretofore provided.

On amendment no. 17: Provides that not exceeding one-half of 1 percent shall be used for surveys under both the grants and the Federal aid authorized, the language being the same as carried in section 1 of the bill as it passed the House.

On amendment no. 18: Prevents, in lieu of the amendment as proposed by the Senate, the diversion of motor taxes and gasoline taxes from highway maintenance, construction, and improvement, including the retirement of bonds, to other purposes by depriving the State of not more than one-third of its allocation in the event of such diversion.

On amendments nos. 19 and 20: Merely change the number of the sections.

On amendment no. 21: Provides, in lieu of the amendment as proposed by the Senate, that no deduction shall be made on account of any advances under the Emergency and Relief Construction Act of 1932 for furnishing relief and work relief to needy and distressed people.

On amendment no. 22: Provides, in lieu of the matter as proposed by the Senate, that not more than \$75,000,000 from the administrative funds may be expended to pay costs for the continuation of the surveys for a proposed inter-America highway.

On amendment no. 23: Amends by inserting proper number of section. The title to the bill is amended as proposed by the Senate.

WILBURN CARTWRIGHT,
LINDSAY C. WARREN,
WILLIAM WHITTINGTON,
C. MURRAY TURPIN,
CLYDE KELLY,

Managers on the part of the House.

Mr. COCHRAN of Missouri. Will the gentleman yield for a question?

Mr. CARTWRIGHT. I yield.

Mr. COCHRAN of Missouri. In reading the conference report, I notice certain matter to be inserted as section 12. While I do not think it is going to affect my State in any way—because, so far as I know, we are not allocating any of the money that we derive from the tax on gasoline and motor vehicles to any purpose other than road construction and redemption of road bonds—nevertheless it seems to me that in view of the situation confronting some of the States of the Union it would be rather unfair to penalize them, so far as Federal aid is concerned, if they should find it necessary to divert some portion of the money that is collected from the tax on motor vehicles and gasoline to relief purposes. The amendment, in my opinion, goes quite far, because it refers to future laws. If the legislature in the future should change its present law, the existing law, under this amendment, would prevail.

Mr. CARTWRIGHT. This has nothing to do with the present. It only applies to the future, but I wish to remind you that legislation is a matter of give and take, and the conferees of the House could not get everything they wanted.

Mr. COCHRAN of Missouri. If it only deals with the future, why could we not wait for the future before adopting an amendment like this? What is the hurry?

Mr. WHITTINGTON. Will the gentleman yield?

Mr. CARTWRIGHT. I yield.

Mr. WHITTINGTON. Amendment 12, as contained in the report and as agreed to in the conference, is in lieu of an amendment proposed by the Senate. Personally, I opposed the amendment, as I believe the States should be free to act. I believe in State rights; and while I oppose diversion of road funds, I prefer to leave the matter to the States. This bill, however, not only has to do with the appropriation for the current year but this bill authorizes Federal aid for the fiscal years 1936 and 1937. Heretofore, if those funds that are allocated to the States were not matched within 2 years the funds lapsed and became a part of the general appropriation for redistribution among the other States.

Now, it has been thought that if Federal highway construction is to be promoted there should not be in the future any diversion by States of those taxes primarily intended for the maintenance, for the construction of highways, and for retirement of the bonds issued for the purpose of constructing highways. So the conference agreed to the section as it is carried in the report, and the section now provides that no diversion of gasoline tax or motor-vehicle tax shall be made by any legislation passed by any of the States following June 30, 1935, so as to enable the States to match Federal aid for the fiscal years 1936 and 1937. It does not prevent the use of any of those funds for the retirement of bonds or indebtedness, but it enables the States to utilize the funds that may be appropriated by Congress in the future. Not only that, but the amendment also provides that not more than one-third of the funds that are allocated to the States may be lost by such diversion. The whole purpose is to prevent the diversion of funds which the users of the highways intend shall be made available for the maintenance and for the construction of highways.

Mr. COCHRAN of Missouri. But it is evident from what the gentleman says that the thought is in the mind of the committee or whoever is responsible for this that they do not have confidence in the various States to take care of their highways or handle their receipts properly.

Mr. WHITTINGTON. If we did have that confidence and thought the various States could take care of the highways, there would be no necessity for this legislation. It is for the reason that the States are utterly unable to provide for highway construction and maintenance that this bill is being passed with grants of \$200,000,000.

Mr. COCHRAN of Missouri. That is the point I make. If it is necessary to divert some of this money to take care of people in a stricken community, we should not penalize them for having done so. If they do divert part of the money under the terms of the amendment, they forfeit part of their Federal aid.

Mr. WHITTINGTON. There is no occasion for that, as funds are otherwise available for such worthy purposes.

Mr. MARTIN of Massachusetts. Will the gentleman yield?

Mr. CARTWRIGHT. Certainly, I yield to the gentleman.

Mr. MARTIN of Massachusetts. In this conference report, as I understand it, it calls for the appropriation of \$100,000,000 for this year, to which the States will not be obliged to contribute their part.

Mr. CARTWRIGHT. That is true, in part; but the amount is \$200,000,000, and not \$100,000,000 as stated by the gentleman.

Mr. MARTIN of Massachusetts. After this year it will go back on the basis of other road bills in previous years. Is that the fact?

Mr. CARTWRIGHT. That is partly true, I may say to the gentleman, but you are not taking into consideration that part will be available this year and more later on.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. CARTWRIGHT. I yield.

Mr. WHITTINGTON. The statement of the gentleman from Massachusetts is partly correct. The bill as it passed the House authorized an appropriation of \$400,000,000 for grants to be available until expended. This amount has been reduced to \$200,000,000. It may be available in part this year, and it may be available later on. The deficiency bill, as the gentleman recalls, carried only \$100,000,000. But at all events the authorization is for half of the amount carried in the House bill. In addition to that, as the gentleman suggests, there is authorization for an appropriation under the Federal highway act for each of the fiscal years 1936 and 1937 of \$125,000,000, for Federal aid to be matched 50-50 by the States.

Mr. MARTIN of Massachusetts. Will the gentleman inform the House if there are any other fundamental changes from the way the bill passed the House?

Mr. WHITTINGTON. No; I would say I have referred to the principal changes. The other changes in existing law are substantially in the same form they were carried in the House bill, except under present law all funds must be matched by the States for 1936-37, in 2 years; this has been changed to 1 year. Annual reports are to be submitted in January instead of December, as heretofore. There is an authorization for expending not to exceed \$75,000 for surveys for the inter-American highway.

Mr. GLOVER. Mr. Speaker, will the gentleman yield?

Mr. CARTWRIGHT. I yield.

Mr. GLOVER. I should like to know for the benefit of the Record and for the information of the Members whether or not the provision in the original bill which earmarked 25 percent of the funds for post roads, farm-to-market roads, and roads over which school busses are operated is retained in the bill.

Mr. CARTWRIGHT. It is retained in the bill.

Mr. GLOVER. I thank the gentleman for the information.

Mr. CARTWRIGHT. Mr. Speaker, I yield such time as he may need to the gentleman from Ohio [Mr. JENKINS] to explain the feature of the bill referred to by the gentleman from Arkansas [Mr. GLOVER].

Mr. JENKINS of Ohio. It shall be my purpose to delay the vote on the conference report but a minute or two, to explain the changes to the Jenkins amendment made by the Senate. You will remember I presented an amendment to the original bill which was adopted almost unanimously after considerable of a battle. This is the amendment to which the gentleman from Arkansas referred just a moment ago in his inquiry.

The amendment as adopted by the House carried the mandate that 25 percent of this money must be used for the improvement of school-bus routes, rural routes, and country roads. The previous law carried the language "feeder roads." In some States this was interpreted to mean one thing, and in other States it was interpreted to mean something else. We wanted the intent made clear so there would be no ambiguity about it. So this amendment was adopted.

The Senate changed the amendment a little, and some of the Members will probably be much interested in the change. As far as I am concerned, I think it is all right. This is amendment no. 4, and is my amendment with this language added:

Except that the Secretary of Agriculture upon request and satisfactory showing from the highway department of any State may fix a less percentage for apportionment of such State for expenditure on secondary or feeder roads.

An unsympathetic State highway department in any State might prevent the full 25 percent being used on these secondary roads; but I propose to see to it that in my State the highway department does not get away with such a plan if it attempts it, and I do not think the Department of Agriculture would want to thwart the evident intention of Congress.

It will be seen that if the State director makes a sufficient showing to the Federal Director, and these two officials together conclude that it is not necessary to use this 25 percent for this purpose, then they will not. They should not practice any unfairness in this matter, and I want the Record to be proof to all such gentlemen that Congress is accepting this change with the belief that no abuses will be practiced.

It is conceivable that some of the small States—perhaps Rhode Island, for example—might have most of its roads improved. The chances are that in that State there are not many school-bus routes or rural-carrier routes that are not pretty well taken care of at the present time; and in such an instance the 25 percent would not be needed for this purpose. On the other hand, in the larger States there will probably be more need for this money. Discretion is left in these two officials to determine the matter. There is some reason in it for this additional language. But the purpose of Congress is well understood.

I do not want to oppose Senate amendment no. 4. I want to compliment the conferees for getting as much as they did; and I hope the conference report is accepted immediately so that it may be accepted in the Senate yet today, and thereby have the bill ready for the President's signature by Monday.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield that I may supplement my answer to the gentleman from Massachusetts [Mr. MARTIN].

Mr. CARTWRIGHT. I yield.

Mr. WHITTINGTON. Mr. Speaker, may I say further in reply to the inquiry of the gentleman from Massachusetts that the \$400,000,000 as proposed by the House was reduced to \$200,000,000; the \$50,000,000 as proposed by the House for forest roads and trails was reduced to \$24,000,000, and that authorizations aggregating \$24,000,000 for each of the years 1936 and 1937 for roads in forests, parks, public lands, and Indian reservations are carried in the bill. I neglected to include this information in my statement.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. CARTWRIGHT. I yield.

Mr. MOTT. Under the Senate amendment, how much money is made immediately available—\$100,000,000 or \$200,000,000?

Mr. WHITTINGTON. This bill is not an appropriation at all; it is an authorization. There is none immediately available; but \$100,000,000 will be immediately available in the deficiency bill already passed by the House.

Mr. MOTT. I understand that, but the House bill authorized an appropriation of \$400,000,000.

The Senate amendment authorized an appropriation of \$200,000,000?

Mr. CARTWRIGHT. The gentleman is correct.

Mr. MOTT. How much is immediately available of the \$200,000,000—the whole thing or just \$100,000,000?

Mr. CARTWRIGHT. Whatever Congress appropriates, and the deficiency bill carries \$100,000,000 for this purpose. That is sufficient until the legislatures of the different States and Congress meet again in January.

Mr. MOTT. Then, as a matter of fact, we get just as much through the appropriations bill that was passed here the first of the week, earmarking \$100,000,000 of the Public Works fund for roads? We would get just as much through that bill as if we did not pass this bill at all?

Mr. CARTWRIGHT. No; but this provides for a 3-year program.

Mr. MOTT. What is the difference?

Mr. WHITTINGTON. There will be an additional \$100,000,000 to appropriate in the future.

Mr. MOTT. Which the Congress at the next session may repudiate. In my opinion, the conferees did not do a very good job.

Mr. CARTWRIGHT. I think we did extremely well under the circumstances. This is even better than the way we originally passed it.

Mr. Speaker, I move the previous question.
The previous question was ordered.
The conference report was agreed to.
A motion to reconsider was laid on the table.

COMMUNICATIONS ACT OF 1934

Mr. RAYBURN. Mr. Speaker, I call up the conference report on the bill (S. 3285) to provide for the regulation of interstate and foreign communications by wire or radio, and for other purposes.

Mr. BLAND. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLAND. I propose to offer a point of order against the report. As I understand the point of order comes after the reading of the report and before the statement.

The SPEAKER. The gentleman is correct.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

Mr. BLAND. Mr. Speaker, reserving the right to object, if that consent permits me to interpose my point of order before the reading of the statement, I shall not object; otherwise I object.

The SPEAKER. The gentleman may make his point of order before the reading of the statement. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLAND. Mr. Speaker, I interpose a point of order against the report on the communications bill on the ground that the committee of conference has exceeded its jurisdiction by writing into the conference report an express repeal of the Radio Act of 1927, and then in said report by reenacting practically in its entirety the original language of that act with the insertion of new matter; whereas the provisions of existing law so reenacted and the new matter so inserted have not been considered by the committee of the House having jurisdiction of the matter so covered by the conference report and in this way the conference report, if adopted, will enact into law matter highly technical and of great public interest without proper committee consideration. Moreover, the adoption of said report may without due consideration by the House deprive the Committee on Merchant Marine, Radio, and Fisheries, which is a standing committee of this House, of its original and time-honored jurisdiction which it has exercised for many years without question, running back to the inception of radio, which jurisdiction can be secured without further question by sustaining this point of order or by rejecting the conference report.

Mr. RAYBURN. Mr. Speaker, the question of jurisdiction in this matter was determined not only by the Speaker originally in referring this bill, but the Speaker was sustained by a vote in the House when the bill was referred to the Committee on Interstate and Foreign Commerce of the House.

Furthermore, these amendments to the Radio Act were certainly considered by the proper committee in the Senate, because they were considered by the Committee on Interstate and Foreign Commerce, which has always considered radio legislation.

Further than that, and aside from the point of order, but referring to the statement of the gentleman from Virginia with reference to these matters not having been discussed or considered, practically every amendment that the Senate put on was enacted in a bill in the Seventy-second Congress, which was given a pocket veto by the President of the United States.

Mr. BLAND. Mr. Speaker, may I answer the argument of the gentleman from Texas?

Mr. MAPES. Will the gentleman yield for a question?

Mr. BLAND. I yield to the gentleman from Michigan.

Mr. MAPES. I am not quite clear whether the gentleman is making the point of order because of the jurisdiction of the committee of the House or because of the differences in the language of the bill as it passed the two Houses and went to conference.

Mr. BLAND. I am making the point of order for both reasons.

Mr. MAPES. May I ask the gentleman whether it is not true that the Senate bill repealed the Radio Act of 1927 and then reenacted it in substance, so that the matter was actually in conference?

Mr. BLAND. The fact is that the bill originally referred to the Committee on Interstate and Foreign Commerce did not undertake to change the language of the Radio Act. The fact is that the proper committee of the Senate having jurisdiction of this matter did undertake to change and repeal the Radio Act of 1927 and to reenact substantially the same provision. I concede that.

Mr. MAPES. When the gentleman refers to the original bill that went to the Committee on Interstate and Foreign Commerce, is he referring to the House bill?

Mr. BLAND. I am referring to the House bill.

Mr. MAPES. Not the Senate bill?

Mr. BLAND. Not the Senate bill.

Mr. MAPES. When the Senate bill came over to the House and was referred to the Committee on Interstate and Foreign Commerce, did it contain the provision repealing the Radio Act?

Mr. BLAND. Yes.

Mr. MAPES. So that the matter really was in conference as between the two Houses when it went to conference?

Mr. BLAND. The House Committee on Interstate and Foreign Commerce admitted in the argument on the floor that they did not know enough about the Radio Act to undertake to consider those particular provisions.

The point I make is that we are now undertaking to repeal and to reenact a most important act without its consideration by the proper committee of the House.

Mr. MAPES. The gentleman's point, as I understand it, is as he has just stated it and not because the matter was not actually in conference before the conferees as appointed. Is not that correct?

Mr. BLAND. If the fact that this matter was in the Senate bill referred to the committee puts it into conference, it was in conference. I cannot deny that.

Mr. MAPES. I simply wanted to get the gentleman's position.

Mr. BLAND. Yes.

Mr. RAYBURN. I may state further that the House bill did not amend the Radio Act, but it did abolish the Radio Commission and transferred its functions to this new commission.

The SPEAKER. As the Chair understands the matter, the Senate passed a bill proposing to regulate communication, which came over to the House. That bill was referred to the Committee on Interstate and Foreign Commerce, which subsequently reported the bill so that it is too late now to raise a question of order involving jurisdiction.

When the bill was considered in the House an amendment was offered, proposed by the Committee on Interstate and Foreign Commerce, striking out all after the enacting clause of the Senate bill and substituting an entirely new bill, and that amendment was agreed to by the House. The House subsequently passed the bill as amended and sent it back to the Senate, where that body disagreed to the House amendment and asked for a conference. The House agreed to the conference, so that both bills were then in conference.

The question involved in the point of order raised by the gentleman from Virginia has been passed on before, and the Chair reads from volume 5, section 6421, of Hinds' Precedents, as follows:

Where one House strikes out all of the bill of the other after the enacting clause and inserts a new text and the differences over this substitute are referred to conference, the managers have a wide discretion in incorporating germane matters and may even report a new bill on the subject.

This decision, made by Speaker Colfax, has been followed by Speaker Clark and by other Speakers, and the Chair thinks it applicable to the instant case. The Chair, therefore, overrules the point of order.

The Clerk will read the statement.

The Clerk proceeded to read the statement.

Mr. RAYBURN (interrupting the reading of the statement). Mr. Speaker, I ask unanimous consent that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none.

Mr. McFADDEN and Mr. RAYBURN rose.

Mr. McFADDEN. Mr. Speaker, I was on my feet, and I insist that the report be read in full.

Mr. RAYBURN. Mr. Speaker, I submit that the gentleman's request comes too late. The Speaker had already announced there was no objection.

Mr. McFADDEN. I was on my feet seeking recognition, I may say to the gentleman.

The SPEAKER. The gentleman states he was on his feet seeking recognition. The Clerk will read the statement. The Clerk resumed the reading of the statement.

Mr. MAPES (interrupting). Mr. Speaker, I would like to now renew the request that the further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3285) to provide for the regulation of interstate and foreign communications by wire or radio, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"TITLE I—GENERAL PROVISIONS

"PURPOSES OF ACT; CREATION OF FEDERAL COMMUNICATIONS COMMISSION

"SECTION 1. For the purpose of regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, and for the purpose of securing a more effective execution of this policy by centralizing authority heretofore granted by law to several agencies and by granting additional authority with respect to interstate and foreign commerce in wire and radio communication, there is hereby created a commission to be known as the 'Federal Communications Commission', which shall be constituted as hereinafter provided, and which shall execute and enforce the provisions of this act.

"APPLICATION OF ACT

"SEC. 2. (a) The provisions of this act shall apply to all interstate and foreign communication by wire or radio and all interstate and foreign transmission of energy by radio, which originates and/or is received within the United States, and to all persons engaged within the United States in such communication or such transmission of energy by radio, and to the licensing and regulating of all radio stations as hereinafter provided; but it shall not apply to persons engaged in wire or radio communication or transmission in the Philippine Islands or the Canal Zone, or to wire or radio communication or transmission wholly within the Philippine Islands or the Canal Zone.

"(b) Subject to the provisions of section 301, nothing in this act shall be construed to apply or to give the Commission jurisdiction with respect to (1) charges, classifications, practices, services, facilities, or regulations for or in connection with intrastate communication service of any carrier, or (2) any carrier engaged in interstate or foreign communication solely through physical connection with the facilities of another carrier not directly or indirectly controlling or

controlled by, or under direct or indirect common control with, such carrier; except that sections 201 to 205 of this act, both inclusive, shall, except as otherwise provided therein, apply to carriers described in clause (2).

"DEFINITIONS

"SEC. 3. For the purpose of this act, unless the context otherwise requires—

"(a) 'Wire communication' or 'communication by wire' means the transmission of writing, signs, signals, pictures, and sounds of all kinds by aid of wire, cable, or other like connection between the points of origin and reception of such transmission, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission.

"(b) 'Radio communication' or 'communication by radio' means the transmission by radio of writing, signs, signals, pictures, and sounds of all kinds, including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such transmission.

"(c) 'License' means the holder of a radio station license granted or continued in force under authority of this act.

"(d) 'Transmission of energy by radio' or 'radio transmission of energy' includes both such transmission and all instrumentalities, facilities, and services incidental to such transmission.

"(e) 'Interstate communication' or 'interstate transmission' means communication or transmission (1) from any State, Territory, or possession of the United States (other than the Philippine Islands and the Canal Zone), or the District of Columbia, to any other State, Territory, or possession of the United States (other than the Philippine Islands and the Canal Zone), or the District of Columbia, (2) from or to the United States to or from the Philippine Islands or the Canal Zone, insofar as such communication or transmission takes place within the United States, or (3) between points within the United States but through a foreign country; but shall not include wire communication between points within the same State, Territory, or possession of the United States, or the District of Columbia, through any place outside thereof, if such communication is regulated by a State commission.

"(f) 'Foreign communication' or 'foreign transmission' means communication or transmission from or to any place in the United States to or from a foreign country, or between a station in the United States and a mobile station located outside the United States.

"(g) 'United States' means the several States and Territories, the District of Columbia, and the possessions of the United States, but does not include the Philippine Islands or the Canal Zone.

"(h) 'Common carrier' or 'carrier' means any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or in interstate or foreign radio transmission of energy, except where reference is made to common carriers not subject to this act; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.

"(i) 'Person' includes an individual, partnership, association, joint-stock company, trust, or corporation.

"(j) 'Corporation' includes any corporation, joint-stock company, or association.

"(k) 'Radio station' or 'station' means a station equipped to engage in radio communication or radio transmission of energy.

"(l) 'Mobile station' means a radio-communication station capable of being moved and which ordinarily does move.

"(m) 'Land station' means a station, other than a mobile station, used for radio communication with mobile stations.

"(n) 'Mobile service' means the radio-communication service carried on between mobile stations and land stations, and by mobile stations communicating among themselves.

"(o) 'Broadcasting' means the dissemination of radio communications intended to be received by the public, directly or by intermediary of relay stations.

"(p) 'Chain broadcasting' means simultaneous broadcasting of an identical program by two or more connected stations.

"(q) 'Amateur station' means a radio station operated by a duly authorized person interested in radio technique solely with a personal aim and without pecuniary interest.

"(r) 'Telephone exchange service' means service within a telephone exchange, or within a connected system of telephone exchanges within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange, and which is covered by the exchange service charge.

"(s) 'Telephone toll service' means telephone service between stations in different exchange areas for which there is made a separate charge not included in contracts with subscribers for exchange service.

"(t) 'State commission' means the commission, board, or official (by whatever name designated) which under the laws of any State has regulatory jurisdiction with respect to intrastate operations of carriers.

"(u) 'Connecting carrier' means a carrier described in clause (2) of section 2 (b).

"(v) 'State' includes the District of Columbia and the Territories and possessions.

PROVISIONS RELATING TO THE COMMISSION

"SEC. 4. (a) The Federal Communications Commission (in this act referred to as the 'Commission') shall be composed of seven commissioners appointed by the President, by and with the advice and consent of the Senate, one of whom the President shall designate as chairman.

"(b) Each member of the Commission shall be a citizen of the United States. No member of the Commission or person in its employ shall be financially interested in the manufacture or sale of radio apparatus or of apparatus for wire or radio communication; in communication by wire or radio or in radio transmission of energy; in any company furnishing services or such apparatus to any company engaged in communication by wire or radio or to any company manufacturing or selling apparatus used for communication by wire or radio; or in any company owning stocks, bonds, or other securities of any such company; nor be in the employ of or hold any official relation to any person subject to any of the provisions of this act, nor own stocks, bonds, or other securities of any corporation subject to any of the provisions of this act. Such commissioners shall not engage in any other business, vocation, or employment. Not more than four commissioners shall be members of the same political party.

"(c) The commissioners first appointed under this act shall continue in office for the terms of 1, 2, 3, 4, 5, 6, and 7 years, respectively, from the date of the taking effect of this act, the term of each to be designated by the President, but their successors shall be appointed for terms of 7 years; except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he succeeds. No vacancy in the Commission shall impair the right of the remaining commissioners to exercise all the powers of the Commission.

"(d) Each commissioner shall receive an annual salary of \$10,000, payable in monthly installments.

"(e) The principal office of the Commission shall be in the District of Columbia, where its general sessions shall be held; but whenever the convenience of the public or of the parties may be promoted or delay or expense prevented thereby, the Commission may hold special sessions in any part of the United States.

"(f) Without regard to the civil-service laws or the Classification Act of 1923, as amended, (1) the Commission may appoint and prescribe the duties and fix the salaries of a secretary, a director for each division, a chief engineer and not more than three assistants, a general counsel and not more than three assistants, and temporary counsel designated by the Commission for the performance of special services, and (2) each commissioner may appoint and prescribe the duties of a secretary at an annual salary not to exceed \$4,000 per annum. The general counsel and the chief

engineer shall each receive an annual salary of not to exceed \$9,000; the secretary shall receive an annual salary of not to exceed \$7,500; the director of each division shall receive an annual salary of not to exceed \$7,500; and no assistant shall receive an annual salary in excess of \$7,500. The Commission shall have authority, subject to the provisions of the civil-service laws and the Classification Act of 1923, as amended, to appoint such other officers, engineers, inspectors, attorneys, examiners, and other employees as are necessary in the execution of its functions.

"(g) The Commission may make such expenditures (including expenditures for rent and personal services at the seat of government and elsewhere, for office supplies, law books, periodicals, and books of reference, and for printing and binding) as may be necessary for the execution of the functions vested in the Commission and as from time to time may be appropriated for by Congress. All expenditures of the Commission, including all necessary expenses for transportation incurred by the commissioners or by their employees, under their orders, in making any investigation or upon any official business in any other places than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the chairman of the Commission or by such other member or officer thereof as may be designated by the Commission for that purpose.

"(h) Four members of the Commission shall constitute a quorum thereof. The Commission shall have an official seal which shall be judicially noticed.

"(i) The Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this act, as may be necessary in the execution of its functions.

"(j) The Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. No Commissioner shall participate in any hearing or proceeding in which he has a pecuniary interest. Any party may appear before the Commission and be heard in person or by attorney. Every vote and official act of the Commission shall be entered of record, and its proceedings shall be public upon the request of any party interested. The Commission is authorized to withhold publication of records or proceedings containing secret information affecting the national defense.

"(k) The Commission shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such report shall contain such information and data collected by the Commission as may be considered of value in the determination of questions connected with the regulation of interstate and foreign wire and radio communication and radio transmission of energy, together with such recommendations as to additional legislation relating thereto as the Commission may deem necessary: *Provided*, That the Commission shall make a special report not later than February 1, 1935, recommending such amendments to this act as it deems desirable in the public interest.

"(l) All reports of investigations made by the Commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier or licensee that may have been complained of.

"(m) The Commission shall provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and such authorized publications shall be competent evidence of the reports and decisions of the Commission therein contained in all courts of the United States and of the several States without any further proof or authentication thereof.

"(n) Rates of compensation of persons appointed under this section shall be subject to the reduction applicable to officers and employees of the Federal Government generally.

"DIVISIONS OF THE COMMISSION

"SEC. 5. (a) The Commission is hereby authorized by its order to divide the members thereof into not more than three divisions, each to consist of not less than three mem-

bers. Any Commissioner may be assigned to and may serve upon such division or divisions as the Commission may direct, and each division shall choose its own chairman. In case of a vacancy in any division, or of absence or inability to serve thereon of any Commissioner thereto assigned, the chairman of the Commission or any Commissioner designated by him for that purpose may temporarily serve on said division until the Commission shall otherwise order.

"(b) The Commission may by order direct that any of its work, business, or functions arising under this act, or under any other act of Congress, or in respect of any matter which has been or may be referred to the Commission by Congress or by either branch thereof, be assigned or referred to any of said divisions for action thereon, and may by order at any time amend, modify, supplement, or rescind any such direction. All such orders shall take effect forthwith and remain in effect until otherwise ordered by the Commission.

"(c) In conformity with and subject to the order or orders of the Commission in the premises, each division so constituted shall have power and authority by a majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to it for action by the Commission, and in respect thereof the division shall have all the jurisdiction and powers now or then conferred by law upon the Commission, and be subject to the same duties and obligations. Any order, decision, or report made or other action taken by any of said divisions in respect of any matters so assigned or referred to it shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made, or taken by the Commission, subject to rehearing by the Commission as provided in section 405 of this Act for rehearing cases decided by the Commission. The secretary and seal of the Commission shall be the secretary and seal of each division thereof.

"(d) Nothing in this section contained, or done pursuant thereto, shall be deemed to divest the Commission of any of its powers.

"(e) The Commission is hereby authorized by its order to assign or refer any portion of its work, business, or functions arising under this or any other act of Congress or referred to it by Congress, or either branch thereof, to an individual commissioner, or to a board composed of an employee or employees of the Commission, to be designated by such order, for action thereon, and by its order at any time to amend, modify, supplement, or rescind any such assignment or reference: *Provided, however,* That this authority shall not extend to investigations instituted upon the Commission's own motion or, without the consent of the parties thereto, to contested proceedings involving the taking of testimony at public hearings, or to investigations specifically required by this act. All such orders shall take effect forthwith and remain in effect until otherwise ordered by the Commission. In case of the absence or inability for any other reason to act of any such individual commissioner or employee designated to serve upon any such board, the chairman of the Commission may designate another commissioner or employee, as the case may be, to serve temporarily until the Commission shall otherwise order. In conformity with and subject to the order or orders of the Commission in the premises, any such individual commissioner, or board acting by a majority thereof, shall have power and authority to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to him or it for action by the Commission and in respect thereof shall have all the jurisdiction and powers now or then conferred by law upon the Commission and be subject to the same duties and obligations. Any order, decision, or report made or other action taken by any such individual commissioner or board in respect of any matters so assigned or referred shall have the same force and effect, and may be made, evidenced, and enforced in the same manner as if made or taken by the Commission. Any party affected by any order, decision, or report of any such individual commissioner or board may file a petition for

rehearing by the Commission or a division thereof and every such petition shall be passed upon by the Commission or a division thereof. Any action by a division upon such a petition shall itself be subject to rehearing by the Commission, as provided in section 405 of this act and in subsection (c). The Commission may make and amend rules for the conduct of proceedings before such individual commissioner or board and for the rehearing of such action before a division of the Commission or the Commission. The secretary and seal of the Commission shall be the secretary and seal of such individual commissioner or board.

"TITLE II—COMMON CARRIERS

"SERVICE AND CHARGES

"SECTION 201. (a) It shall be the duty of every common carrier engaged in interstate or foreign communication by wire or radio to furnish such communication service upon reasonable request therefor; and, in accordance with the orders of the Commission, in cases where the Commission, after opportunity for hearing, finds such action necessary or desirable in the public interest, to establish physical connections with other carriers, to establish through routes and charges applicable thereto and the divisions of such charges, and to establish and provide facilities and regulations for operating such through routes.

"(b) All charges, practices, classifications, and regulations for and in connection with such communication service, shall be just and reasonable, and any such charge, practice, classification, or regulation that is unjust or unreasonable is hereby declared to be unlawful: *Provided,* That communications by wire or radio subject to this act may be classified into day, night, repeated, unrepeatable, letter, commercial, press, Government, and such other classes as the Commission may decide to be just and reasonable, and different charges may be made for the different classes of communications: *Provided further,* That nothing in this act or in any other provision of law shall be construed to prevent a common carrier subject to this act from entering into or operating under any contract with any common carrier not subject to this act, for the exchange of their services, if the Commission is of the opinion that such contract is not contrary to the public interest.

"DISCRIMINATION AND PREFERENCES

"SEC. 202. (a) It shall be unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communication service, directly or indirectly, by any means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.

"(b) Charges or services, whenever referred to in this act, include charges for, or services in connection with, the use of wires in chain broadcasting or incidental to radio communication of any kind.

"(c) Any carrier who knowingly violates the provisions of this section shall forfeit to the United States the sum of \$500 for each such offense and \$25 for each and every day of the continuance of such offense.

"SCHEDULES OF CHARGES

"SEC. 203. (a) Every common carrier, except connecting carriers, shall, within such reasonable time as the Commission shall designate, file with the Commission and print and keep open for public inspection schedules showing all charges for itself and its connecting carriers for interstate and foreign wire or radio communication between the different points on its own system, and between points on its own system and points on the system of its connecting carriers or points on the system of any other carrier subject to this act when a through route has been established, whether such charges are joint or separate, and showing the classifications, practices, and regulations affecting such charges. Such schedules shall contain such other information, and be printed in such form, and be posted and kept open for public inspection in such places, as the Commis-

sion may by regulation require, and each such schedule shall give notice of its effective date; and such common carrier shall furnish such schedules to each of its connecting carriers, and such connecting carriers shall keep such schedules open for inspection in such public places as the Commission may require.

"(b) No change shall be made in the charges, classifications, regulations, or practices which have been so filed and published except after 30 days' notice to the Commission and to the public, which shall be published in such form and contain such information as the Commission may by regulations prescribe; but the Commission may, in its discretion and for good cause shown, modify the requirements made by or under authority of this section in particular instances or by a general order applicable to special circumstances or conditions.

"(c) No carrier, unless otherwise provided by or under authority of this act, shall engage or participate in such communication unless schedules have been filed and published in accordance with the provisions of this act and with the regulations made thereunder and no carrier shall (1) charge, demand, collect, or receive a greater or less or different compensation for such communication, or for any service in connection therewith, between the points named in any such schedule than the charges specified in the schedule then in effect, or (2) refund or remit by any means or device any portion of the charges so specified, or (3) extend to any person any privileges or facilities in such communication, or employ or enforce any classifications, regulations, or practices affecting such charges, except as specified in such schedule.

"(d) The Commission may reject and refuse to file any schedule entered for filing which does not provide and give lawful notice of its effective date. Any schedule so rejected by the Commission shall be void and its use shall be unlawful.

"(e) In case of failure or refusal on the part of any carrier to comply with the provisions of this section or of any regulation or order made by the Commission thereunder, such carrier shall forfeit to the United States the sum of \$500 for each such offense, and \$25 for each and every day of the continuance of such offense.

"HEARING AS TO LAWFULNESS OF NEW CHARGES; SUSPENSION

"SEC. 204. Whenever there is filed with the Commission any new charge, classification, regulation, or practice, the Commission may either upon complaint or upon its own initiative without complaint, upon reasonable notice, enter upon a hearing concerning the lawfulness thereof; and pending such hearing and the decision thereon the Commission, upon delivering to the carrier or carriers affected thereby a statement in writing of its reasons for such suspension, may suspend the operation of such charge, classification, regulation, or practice, but not for a longer period than three months beyond the time when it would otherwise go into effect; and after full hearing the Commission may make such order with reference thereto as would be proper in a proceeding initiated after it had become effective. If the proceeding has not been concluded and an order made within the period of the suspension, the proposed change of charge, classification, regulation, or practice shall go into effect at the end of such period; but in case of a proposed increased charge, the Commission may by order require the interested carrier or carriers to keep accurate account of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts are paid, and upon completion of the hearing and decision may by further order require the interested carrier or carriers to refund, with interest, to the persons in whose behalf such amounts were paid, such portion of such increased charges as by its decision shall be found not justified. At any hearing involving a charge increased, or sought to be increased, after the organization of the Commission, the burden of proof to show that the increased charge, or proposed increased charge, is just and reasonable shall be upon the carrier, and the Commission shall give to the hearing and decision of

such questions preference over all other questions pending before it and decide the same as speedily as possible.

"COMMISSION AUTHORIZED TO PRESCRIBE JUST AND REASONABLE CHARGES

"SEC. 205. (a) Whenever, after full opportunity for hearing, upon a complaint or under an order for investigation and hearing made by the Commission on its own initiative, the Commission shall be of opinion that any charge, classification, regulation, or practice of any carrier or carriers is or will be in violation of any of the provisions of this act, the Commission is authorized and empowered to determine and prescribe what will be the just and reasonable charge or the maximum or minimum, or maximum and minimum, charge or charges to be thereafter observed, and what classification, regulation, or practice is or will be just, fair, and reasonable, to be thereafter followed, and to make an order that the carrier or carriers shall cease and desist from such violation to the extent that the Commission finds that the same does or will exist, and shall not thereafter publish, demand, or collect any charge other than the charge so prescribed, or in excess of the maximum or less than the minimum so prescribed, as the case may be, and shall adopt the classification and shall conform to and observe the regulation or practice so prescribed.

"(b) Any carrier, any officer, representative, or agent of a carrier, or any receiver, trustee, lessee, or agent of either of them, who knowingly fails or neglects to obey any order made under the provisions of this section shall forfeit to the United States the sum of \$1,000 for each offense. Every distinct violation shall be a separate offense, and in case of continuing violation each day shall be deemed a separate offense.

"LIABILITY OF CARRIERS FOR DAMAGES

"SEC. 206. In case any common carrier shall do, or cause or permit to be done, any act, matter, or thing in this act prohibited or declared to be unlawful, or shall omit to do any act, matter, or thing in this act required to be done, such common carrier shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of any such violation of the provisions of this act, together with a reasonable counsel or attorney's fee, to be fixed by the court in every case of recovery, which attorney's fee shall be taxed and collected as part of the costs in the case.

"RECOVERY OF DAMAGES

"SEC. 207. Any person claiming to be damaged by any common carrier subject to the provisions of this act may either make complaint to the Commission as hereinafter provided for, or may bring suit for the recovery of the damages for which such common carrier may be liable under the provisions of this act, in any district court of the United States of competent jurisdiction; but such person shall not have the right to pursue both such remedies.

"COMPLAINTS TO THE COMMISSION

"SEC. 208. Any person, any body politic or municipal organization, or State commission, complaining of anything done or omitted to be done by any common carrier subject to this act, in contravention of the provisions thereof, may apply to said Commission by petition which shall briefly state the facts, whereupon a statement of the complaint thus made shall be forwarded by the Commission to such common carrier, who shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable time to be specified by the Commission. If such common carrier within the time specified shall make reparation for the injury alleged to have been caused, the common carrier shall be relieved of liability to the complainant only for the particular violation of law thus complained of. If such carrier or carriers shall not satisfy the complaint within the time specified or there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the Commission to investigate the matters complained of in such manner and by such means as it shall deem proper. No complaint shall at any time be dismissed because of the absence of direct damage to the complainant.

"ORDERS FOR PAYMENT OF MONEY

"SEC. 209. If, after hearing on a complaint, the Commission shall determine that any party complainant is entitled to an award of damages under the provisions of this act, the Commission shall make an order directing the carrier to pay to the complainant the sum to which he is entitled on or before a day named.

"FRANKS AND PASSES

"SEC. 210. Nothing in this act or in any other provision of law shall be construed to prohibit common carriers from issuing or giving franks to, or exchanging franks with each other for the use of, their officers, agents, employees, and their families, or, subject to such rules as the Commission may prescribe, from issuing, giving, or exchanging franks and passes to or with other common carriers not subject to the provisions of this act, for the use of their officers, agents, employees, and their families. The term 'employees', as used in this section, shall include furloughed, pensioned, and superannuated employees.

"COPIES OF CONTRACTS TO BE FILED

"SEC. 211. (a) Every carrier subject to this act shall file with the Commission copies of all contracts, agreements, or arrangements with other carriers, or with common carriers not subject to the provisions of this act, in relation to any traffic affected by the provisions of this act to which it may be a party.

"(b) The Commission shall have authority to require the filing of any other contracts of any carrier, and shall also have authority to exempt any carrier from submitting copies of such minor contracts as the Commission may determine.

"INTERLOCKING DIRECTORATES—OFFICIALS DEALING IN SECURITIES

"SEC. 212. After 60 days from the enactment of this act it shall be unlawful for any person to hold the position of officer or director of more than one carrier subject to this act, unless such holding shall have been authorized by order of the Commission, upon due showing in form and manner prescribed by the Commission, that neither public nor private interests will be adversely affected thereby. After this section takes effect it shall be unlawful for any officer or director of any such carrier to receive for his own benefit, directly or indirectly, any money or thing of value in respect of negotiation, hypothecation, or sale of any securities issued or to be issued by such carrier, or to share in any of the proceeds thereof, or to participate in the making or paying of any dividends of such carrier from any funds properly included in capital account.

"VALUATION OF CARRIER PROPERTY

"SEC. 213 (a) The Commission may from time to time, as may be necessary for the proper administration of this act, and after opportunity for hearing, make a valuation of all or of any part of the property owned or used by any carrier subject to this act, as of such date as the Commission may fix.

"(b) The Commission may at any time require any such carrier to file with the Commission an inventory of all or of any part of the property owned or used by said carrier, which inventory shall show the units of said property classified in such detail, and in such manner, as the Commission shall direct, and shall show the estimated cost of reproduction new of said units, and their reproduction cost new less depreciation, as of such date as the Commission may direct; and such carrier shall file such inventory within such reasonable time as the Commission by order shall require.

"(c) The Commission may at any time require any such carrier to file with the Commission a statement showing the original cost at the time of dedication to the public use of all or of any part of the property owned or used by said carrier. For the showing of such original cost said property shall be classified, and the original cost shall be defined, in such manner as the Commission may prescribe; and if any part of such cost cannot be determined from accounting or other records, the portion of the property for which such cost cannot be determined shall be reported to the Commission; and, if the Commission shall so direct, the original cost thereof shall be estimated in such manner as the Commission

may prescribe. If the carrier owning the property at the time such original cost is reported shall have paid more or less than the original cost to acquire the same, the amount of such cost of acquisition, and any facts which the Commission may require in connection therewith, shall be reported with such original cost. The report made by a carrier under this paragraph shall show the source or sources from which the original cost reported was obtained, and such other information as to the manner in which the report was prepared, as the Commission shall require.

"(d) Nothing shall be included in the original cost reported for the property of any carrier under paragraph (c) of this section on account of any easement, license, or franchise granted by the United States or by any State or political subdivision thereof, beyond the reasonable necessary expense lawfully incurred in obtaining such easement, license, or franchise from the public authority aforesaid, which expense shall be reported separately from all other costs in such detail as the Commission may require; and nothing shall be included in any valuation of the property of any carrier made by the Commission on account of any such easement, license, or franchise, beyond such reasonable necessary expense lawfully incurred as aforesaid.

"(e) The Commission shall keep itself informed of all new construction, extensions, improvements, retirements, or other changes in the condition, quantity, use, and classification of the property of common carriers, and of the cost of all additions and betterments thereto and of all changes in the investment therein, and may keep itself informed of current changes in costs and values of carrier properties.

"(f) For the purpose of enabling the Commission to make a valuation of any of the property of any such carrier, or to find the original cost of such property, or to find any other facts concerning the same which are required for use by the Commission, it shall be the duty of each such carrier to furnish to the Commission, within such reasonable time as the Commission may order, any information with respect thereto which the Commission may by order require, including copies of maps, contracts, reports of engineers, and other data, records, and papers, and to grant to all agents of the Commission free access to its property and its accounts, records, and memoranda whenever and wherever requested by any such duly authorized agent, and to cooperate with and aid the Commission in the work of making any such valuation or finding in such manner and to such extent as the Commission may require and direct, and all rules and regulations made by the Commission for the purpose of administering this section shall have the full force and effect of law. Unless otherwise ordered by the Commission, with the reasons therefor, the records and data of the Commission shall be open to the inspection and examination of the public. The Commission, in making any such valuation, shall be free to adopt any method of valuation which shall be lawful.

"(g) Notwithstanding any provision of this act the Interstate Commerce Commission, if requested to do so by the Commission, shall complete, at the earliest practicable date, such valuations of properties of carriers subject to this act as are now in progress, and shall thereafter transfer to the Commission the records relating thereto.

"(h) Nothing in this section shall impair or diminish the powers of any State commission.

"EXTENSION OF LINES

"SEC. 214. (a) No carrier shall undertake the construction of a new line or of an extension of any line, or shall acquire or operate any line, or extension thereof, or shall engage in transmission over or by means of such additional or extended line, unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity require or will require the construction, or operation, or construction and operation, of such additional or extended line: *Provided*, That no such certificate shall be required under this section for the construction, acquisition, operation, or extension of (1) a line within a single State unless said line constitutes part of an interstate line, (2) local, branch, or terminal lines

and exceeding 10 miles in length, or (3) any lines acquired under section 221 of this act: *Provided further*, That the Commission may, upon appropriate request being made, authorize temporary or emergency service, or the supplementing of existing facilities, without regard to the provisions of this section.

"(b) Upon receipt for an application for any such certificate the Commission shall cause notice thereof to be given to and a copy filed with the Governor of each State in which such additional or extended line is proposed to be constructed or operated, with the right to be heard as provided with respect to the hearing of complaints; and the Commission may require such published notice as it shall determine.

"(c) The Commission shall have power to issue such certificate as prayed for, or to refuse to issue it, or to issue it for a portion or portions of a line, or extension thereof, described in the application, or for the partial exercise only of such right or privilege, and may attach to the issuance of the certificate such terms and conditions as in its judgment the public convenience and necessity may require. After issuance of such certificate, and not before, the carrier may, without securing approval other than such certificate, comply with the terms and conditions contained in or attached to the issuance of such certificate and proceed with the construction, acquisition, operation, or extension covered thereby. Any construction, acquisition, operation, or extension contrary to the provisions of this section may be enjoined by any court of competent jurisdiction at the suit of the United States, the Commission, the State Commission, any State affected, or any party in interest.

"(d) The Commission may, after full opportunity for hearing, in a proceeding upon complaint or upon its own initiative without complaint, authorize or require by order any carrier, party to such proceeding, to provide itself with adequate facilities for performing its service as a common carrier and to extend its line; but no such authorization or order shall be made unless the Commission finds, as to such extension, that it is reasonably required in the interest of public convenience and necessity, or as to such extension or facilities that the expense involved therein will not impair the ability of the carrier to perform its duty to the public. Any carrier which refuses or neglects to comply with any order of the Commission made in pursuance of this paragraph shall forfeit to the United States \$100 for each day during which such refusal or neglect continues.

"TRANSACTIONS RELATING TO SERVICES, EQUIPMENT, AND SO FORTH

"SEC. 215. (a) The Commission shall examine into transactions entered into by any common carrier which relate to the furnishing of equipment, supplies, research, services, finances, credit, or personnel to such carrier and/or which may affect the charges made or to be made and/or the services rendered or to be rendered by such carrier, in wire or radio communication subject to this act, and shall report to the Congress whether any such transactions have affected or are likely to affect adversely the ability of the carrier to render adequate service to the public, or may result in any undue or unreasonable increase in charges or in the maintenance of undue or unreasonable charges for such service; and in order to fully examine into such transactions the Commission shall have access to and the right of inspection and examination of all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, or persons furnishing such equipment, supplies, research, services, finances, credit, or personnel. The Commission shall include in its report its recommendations for necessary legislation in connection with such transactions, and shall report specifically whether in its opinion legislation should be enacted (1) authorizing the Commission to declare any such transactions void or to permit such transactions to be carried out subject to such modification of their terms and conditions as the Commission shall deem desirable in the public interest; and/or (2) subjecting such transactions to the approval of the Commission where the person furnishing or seeking to furnish the equipment, supplies, research, services, finances,

credit, or personnel is a person directly or indirectly controlling or controlled by, or under direct or indirect common control with, such carrier; and/or (3) authorizing the Commission to require that all or any transactions of carriers involving the furnishing of equipment, supplies, research, services, finances, credit, or personnel to such carrier be upon competitive bids on such terms and conditions and subject to such regulations as it shall prescribe as necessary in the public interest.

"(b) The Commission shall investigate the methods by which and the extent to which wire telephone companies are furnishing wire telegraph service and wire telegraph companies are furnishing wire telephone service, and shall report its findings to Congress, together with its recommendations as to whether additional legislation on this subject is desirable.

"(c) The Commission shall examine all contracts of common carriers subject to this act which prevent the other party thereto from dealing with another common carrier subject to this act, and shall report its findings to Congress, together with its recommendations as to whether additional legislation on this subject is desirable.

"APPLICATION OF ACT TO RECEIVERS AND TRUSTEES

"SEC. 216. The provisions of this act shall apply to all receivers and operating trustees of carriers subject to this act to the same extent that it applies to carriers.

"LIABILITY OF CARRIER FOR ACTS AND OMISSIONS OF AGENTS

"SEC. 217. In construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier or user, acting within the scope of his employment, shall in every case be also deemed to be the act, omission, or failure of such carrier or user as well as that of the person.

"INQUIRIES INTO MANAGEMENT

"SEC. 218. The Commission may inquire into the management of the business of all carriers subject to this act, and shall keep itself informed as to the manner and method in which the same is conducted and as to technical developments and improvements in wire and radio communication and radio transmission of energy to the end that the benefits of new inventions and developments may be made available to the people of the United States. The Commission may obtain from such carriers and from persons directly or indirectly controlling or controlled by, or under direct or indirect common control, such carriers full and complete information necessary to enable the Commission to perform the duties and carry out the objects for which it was created.

"ANNUAL AND OTHER REPORTS

"SEC. 219. (a) The Commission is authorized to require annual reports under oath from all carriers subject to this act, and from persons directly or indirectly controlling or controlled by, or under direct or indirect common control with, any such carrier, to prescribe the manner in which such reports shall be made, and to require from such persons specific answers to all questions upon which the Commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amount and privileges of each class of stock, the amounts paid therefor, and the manner of payment for the same; the dividends paid and the surplus fund, if any; the number of stockholders (and the names of the 30 largest holders of each class of stock and the amount held by each); the funded and floating debts and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipments; the number of employees and the salaries paid each class; the names of all officers and directors, and the amount of salary, bonus, and all other compensation paid to each; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss, and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet. Such reports shall also contain such information in

relation to charges or regulations concerning charges, or agreements, arrangements, or contracts affecting the same, as the Commission may require.

"(b) Such reports shall be for such 12 months' period as the Commission shall designate and shall be filed with the Commission at its office in Washington within 3 months after the close of the year for which the report is made, unless additional time is granted in any case by the Commission; and if any person subject to the provisions of this section shall fail to make and file said annual reports within the time above specified, or within the time extended by the Commission, for making and filing the same, or shall fail to make specific answer to any question authorized by the provisions of this section within 30 days from the time it is lawfully required so to do, such person shall forfeit to the United States the sum of \$100 for each and every day it shall continue to be in default with respect thereto. The Commission may by general or special orders require any such carriers to file monthly reports of earnings and expenses and to file periodical and/or special reports concerning any matters with respect to which the Commission is authorized or required by law to act; and such periodical or special reports shall be under oath whenever the Commission so requires. If any such carrier shall fail to make and file any such periodical or special report within the time fixed by the Commission, it shall be subject to the forfeitures above provided.

"ACCOUNTS, RECORDS, AND MEMORANDA; DEPRECIATION CHARGES

"SEC. 220. (a) The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to this act, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of moneys.

"(b) The Commission shall, as soon as practicable, prescribe for such carriers the classes of property for which depreciation charges may be properly included under operating expenses, and the percentages of depreciation which shall be charged with respect to each of such classes of property, classifying the carriers as it may deem proper for this purpose. The Commission may, when it deems necessary, modify the classes and percentages so prescribed. Such carriers shall not, after the Commission has prescribed the classes of property for which depreciation charges may be included, charge to operating expenses any depreciation charges on classes of property other than those prescribed by the Commission, or, after the Commission has prescribed percentages of depreciation, charge with respect to any class of property a percentage of depreciation other than that prescribed therefor by the Commission. No such carrier shall in any case include in any form under its operating or other expenses any depreciation or other charge or expenditure included elsewhere as a depreciation charge or otherwise under its operating or other expenses.

"(c) The Commission shall at all times have access to and the right of inspection and examination of all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept or required to be kept by such carriers, and the provisions of this section respecting the preservation and destruction of books, papers, and documents shall apply thereto. The burden of proof to justify every accounting entry questioned by the Commission shall be on the person making, authorizing, or requiring such entry and the Commission may suspend a charge or credit pending submission of proof by such person. Any provision of law prohibiting the disclosure of the contents of messages or communications shall not be deemed to prohibit the disclosure of any matter in accordance with the provisions of this section.

"(d) In case of failure or refusal on the part of any such carrier to keep such accounts, records, and memoranda on the books and in the manner prescribed by the Commission, or to submit such accounts, records, memoranda, documents, papers, and correspondence as are kept to the inspection of the Commission or any of its authorized agents, such carrier shall forfeit to the United States the sum of \$500 for each day of the continuance of each such offense.

"(e) Any person who shall willfully make any false entry in the accounts of any book of accounts or in any record or memoranda kept by any such carrier, or who shall willfully destroy, mutilate, alter, or by any other means or device falsify any such account, record, or memoranda, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the carrier, shall be deemed guilty of a misdemeanor, and shall be subject, upon conviction, to a fine of not less than \$1,000 nor more than \$5,000 or imprisonment for a term of not less than 1 year nor more than 3 years, or both such fine and imprisonment: *Provided*, That the Commission may in its discretion issue orders specifying such operating, accounting, or financial papers, records, books, blanks, or documents which may, after a reasonable time, be destroyed, and prescribing the length of time such books, papers, or documents shall be preserved.

"(f) No member, officer, or employee of the Commission shall divulge any fact or information which may come to his knowledge during the course of examination of books or other accounts, as hereinbefore provided, except insofar as he may be directed by the Commission or by a court.

"(g) After the Commission has prescribed the forms and manner of keeping of accounts, records, and memoranda to be kept by any person as herein provided, it shall be unlawful for such person to keep any other accounts, records, or memoranda than those so prescribed or such as may be approved by the Commission or to keep the accounts in any other manner than that prescribed or approved by the Commission. Notice of alterations by the Commission in the required manner or form of keeping accounts shall be given to such persons by the Commission at least 6 months before the same are to take effect.

"(h) The Commission may classify carriers subject to this act and prescribe different requirements under this section for different classes of carriers, and may, if it deems such action consistent with the public interest, except the carriers of any particular class or classes in any State from any of the requirements under this section in cases where such carriers are subject to State commission regulation with respect to matters to which this section relates.

"(i) The Commission, before prescribing any requirements as to accounts, records, or memoranda, shall notify each State commission having jurisdiction with respect to any carrier involved, and shall give reasonable opportunity to each such commission to present its views, and shall receive and consider such views and recommendations.

"(j) The Commission shall investigate and report to Congress as to the need for legislation to define further or harmonize the powers of the Commission and of State commissions with respect to matters to which this section relates.

"SPECIAL PROVISIONS RELATING TO TELEPHONE COMPANIES

"SEC. 221. (a) Upon application of one or more telephone companies for authority to consolidate their properties or a part thereof into a single company, or for authority for one or more such companies to acquire the whole or any part of the property of another telephone company or other telephone companies or the control thereof by the purchase of securities or by lease or in any other like manner, when such consolidated company would be subject to this act, the Commission shall fix a time and place for a public hearing upon such application and shall thereupon give reasonable notice in writing to the Governor of each of the States in which the physical property affected, or any part thereof, is situated, and to the State commission having jurisdiction over telephone companies, and to such other persons as it may deem advisable. After such public hearing, if the Commission finds that the proposed consolidation, acquisition, or control will be of advantage to the persons to whom service is to be rendered and in the public interest, it shall certify to that effect; and thereupon any act or acts of Congress making the proposed transaction unlawful shall not apply. Nothing in this subsection shall be

construed as in anywise limiting or restricting the powers of the several States to control and regulate telephone companies.

"(b) Nothing in this act shall be construed to apply, or to give the Commission jurisdiction, with respect to charges, classifications, practices, services, facilities, or regulations for or in connection with wire telephone exchange service, even though a portion of such exchange service constitutes interstate or foreign communication, in any case where such matters are subject to regulation by a State commission or by local governmental authority.

"(c) For the purpose of administering this act as to carriers engaged in wire telephone communication, the Commission may classify the property of any such carrier used for wire telephone communication, and determine what property of said carrier shall be considered as used in interstate or foreign telephone toll service. Such classification shall be made after hearing, upon notice to the carrier, the State commission (or the Governor, if the State has no State commission) of any State in which the property of said carrier is located, and such other persons as the Commission may prescribe.

"(d) In making a valuation of the property of any wire telephone carrier the Commission, after making the classification authorized in this section, may in its discretion value only that part of the property of such carrier determined to be used in interstate or foreign telephone toll service.

"TITLE III—SPECIAL PROVISIONS RELATING TO RADIO

"LICENSE FOR RADIO COMMUNICATION OR TRANSMISSION OF ENERGY

"SEC. 301. It is the purpose of this act, among other things, to maintain the control of the United States over all the channels of interstate and foreign radio transmission; and to provide for the use of such channels, but not the ownership thereof, by persons for limited periods of time, under licenses granted by Federal authority, and no such license shall be construed to create any right, beyond the terms, conditions, and periods of the license. No person shall use or operate any apparatus for the transmission of energy or communications or signals by radio (a) from one place in any Territory or possession of the United States or in the District of Columbia to another place in the same Territory, possession, or District; or (b) from any State, Territory, or possession of the United States, or from the District of Columbia to any other State, Territory, or possession of the United States; or (c) from any place in any State, Territory, or possession of the United States, or in the District of Columbia, to any place in any foreign country or to any vessel; or (d) within any State when the effects of such use extend beyond the borders of said State, or when interference is caused by such use or operation with the transmission of such energy, communications, or signals from within said State to any place beyond its borders, or from any place beyond its borders to any place within said State, or with the transmission or reception of such energy, communications, or signals from and/or to places beyond the borders of said State; or (e) upon any vessel or aircraft of the United States; or (f) upon any other mobile stations within the jurisdiction of the United States, except under and in accordance with this act and with a license in that behalf granted under the provisions of this act.

"ZONES

"SEC. 302. (a) For the purposes of this title the United States is divided into five zones, as follows: The first zone shall embrace the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, and the District of Columbia; the second zone shall embrace the States of Pennsylvania, Virginia, West Virginia, Ohio, Michigan, and Kentucky; the third zone shall embrace the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma; the fourth zone shall embrace the States of Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri; and the fifth zone shall embrace the States of Montana, Idaho, Wyoming, Colo-

rado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California.

(b) The Virgin Islands, Puerto Rico, Alaska, Guam, American Samoa, and the Territory of Hawaii are expressly excluded from the zones herein established.

"GENERAL POWERS OF COMMISSION

"SEC. 303. Except as otherwise provided in this Act, the Commission from time to time, as public convenience, interest, or necessity requires, shall—

"(a) Classify radio stations;

"(b) Prescribe the nature of the service to be rendered by each class of licensed stations and each station within any class;

"(c) Assign bands of frequencies to the various classes of stations, and assign frequencies for each individual station and determine the power which each station shall use and the time during which it may operate;

"(d) Determine the location of classes of stations or individual stations;

"(e) Regulate the kind of apparatus to be used with respect to its external effects and the purity and sharpness of the emissions from each station and from the apparatus therein;

"(f) Make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of this act: *Provided, however,* That changes in the frequencies, authorized power, or in the times of operation of any station, shall not be made without the consent of the station licensee unless, after a public hearing, the Commission shall determine that such changes will promote public convenience or interest or will serve public necessity, or the provisions of this act will be more fully complied with;

"(g) Study new uses for radio, provide for experimental uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest;

"(h) Have authority to establish areas or zones to be served by any station;

"(i) Have authority to make special regulations applicable to radio stations engaged in chain broadcasting;

"(j) Have authority to make general rules and regulations requiring stations to keep such records of programs, transmissions of energy, communications, or signals as it may deem desirable;

"(k) Have authority to exclude from the requirements of any regulations in whole or in part any radio station upon railroad rolling stock, or to modify such regulations in its discretion;

"(l) Have authority to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them to such citizens of the United States as the Commission finds qualified;

"(m) Have authority to suspend the license of any operator for a period not exceeding 2 years upon proof sufficient to satisfy the Commission that the licensee (1) has violated any provision of any act or treaty binding on the United States which the Commission is authorized by this act to administer or any regulation made by the Commission under any such act or treaty; or (2) has failed to carry out the lawful orders of the master of the vessel on which he is employed; or (3) has willfully damaged or permitted radio apparatus to be damaged; or (4) has transmitted superfluous radio communications or signals or radio communications containing profane or obscene words or language; or (5) has willfully or maliciously interfered with any other radio communications or signals;

"(n) Have authority to inspect all transmitting apparatus to ascertain whether in construction and operation it conforms to the requirements of this act, the rules and regulations of the Commission, and the license under which it is constructed or operated;

"(o) Have authority to designate call letters of all stations;

"(p) Have authority to cause to be published such call letters and such other announcements and data as in the

judgment of the Commission may be required for the efficient operation of radio stations subject to the jurisdiction of the United States and for the proper enforcement of this act;

"(q) Have authority to require the painting and/or illumination of radio towers if and when in its judgment such towers constitute, or there is a reasonable possibility that they may constitute a menace to air navigation.

"WAIVER BY LICENSEE

"SEC. 304. No station license shall be granted by the Commission until the applicant therefor shall have signed a waiver of any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise.

"GOVERNMENT-OWNED STATIONS

"SEC. 305. (a) Radio stations belonging to and operated by the United States shall not be subject to the provisions of sections 301 and 303 of this act. All such Government stations shall use such frequencies as shall be assigned to each or to each class by the President. All such stations, except stations on board naval and other Government vessels while at sea or beyond the limits of the continental United States, when transmitting any radio communication or signal other than a communication or signal relating to Government business, shall conform to such rules and regulations designed to prevent interference with other radio stations and the rights of others as the Commission may prescribe.

"(b) Radio stations on board vessels of the United States Shipping Board Bureau or the United States Shipping Board Merchant Fleet Corporation or the Inland and Coastwise Waterways Service shall be subject to the provisions of this title.

"(c) All stations owned and operated by the United States, except mobile stations of the Army of the United States, and all other stations on land and sea, shall have special call letters designated by the Commission.

"FOREIGN SHIPS

"SEC. 306. Section 301 of this act shall not apply to any person sending radio communications or signals on a foreign ship while the same is within the jurisdiction of the United States, but such communications or signals shall be transmitted only in accordance with such regulations designed to prevent interference as may be promulgated under the authority of this act.

"ALLOCATION OF FACILITIES; TERM OF LICENSES

"SEC. 307. (a) The Commission, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this act, shall grant to any applicant therefor a station license provided for by this act.

"(b) It is hereby declared that the people of all the zones established by this title are entitled to equality of radio broadcasting service, both of transmission and of reception, and in order to provide said equality of Commission shall as nearly as possible make and maintain an equal allocation of broadcasting licenses, of bands of frequency, of periods of time for operation, and of station power, to each of said zones when and insofar as there are applications therefor; and shall make a fair and equitable allocation of licenses, frequencies, time for operation, and station power to each of the States and the District of Columbia, within each zone, according to population. The Commission shall carry into effect the equality of broadcasting service hereinbefore directed, whenever necessary or proper, by granting or refusing licenses or renewals of licenses, by changing periods of time for operation, and by increasing or decreasing station power, when applications are made for licenses or renewals of licenses: *Provided*, That if and when there is a lack of applications from any zone for the proportionate share of licenses, frequencies, time of operation, or station power to which such zone is entitled, the Commission may issue licenses for the balance of the proportion not applied for from any zone, to applicants from other zones for a temporary period of 90 days each, and shall specifically designate that said apportionment is only for said temporary

period. Allocations shall be charged to the State or District wherein the studio of the station is located and not where the transmitter is located: *Provided further*, That the Commission may also grant applications for additional licenses for stations not exceeding 100 watts of power if the Commission finds that such stations will serve the public convenience, interest, or necessity, and that their operation will not interfere with the fair and efficient radio service of stations licensed under the provisions of this section.

"(c) The Commission shall study the proposal that Congress by statute allocate fixed percentages of radio broadcasting facilities to particular types or kinds of nonprofit radio programs or to persons identified with particular types or kinds of nonprofit activities, and shall report to Congress, not later than February 1, 1935, its recommendations together with the reasons for the same.

"(d) No license granted for the operation of a broadcasting station shall be for a longer term than 3 years and no license so granted for any other class of station shall be for a longer term than 5 years, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term of not to exceed 3 years in the case of broadcasting licenses and not to exceed 5 years in the case of other licenses, but action of the Commission with reference to the granting of such application for the renewal of a license shall be limited to and governed by the same considerations and practice which affect the granting of original applications.

"(e) No renewal of an existing station license shall be granted more than 30 days prior to the expiration of the original license.

"APPLICATIONS FOR LICENSES; CONDITIONS IN LICENSE FOR FOREIGN COMMUNICATION

"SEC. 308. (a) The Commission may grant licenses, renewal of licenses, and modification of licenses only upon written application therefor received by it: *Provided, however*, That in cases of emergency found by the Commission, licenses, renewals of licenses, and modifications of licenses, for stations on vessels or aircraft of the United States, may be issued under such conditions as the Commission may impose, without such formal application. Such licenses, however, shall in no case be for a longer term than 3 months: *Provided further*, That the Commission may issue by cable, telegraph, or radio a permit for the operation of a station on a vessel of the United States at sea, effective in lieu of a license until said vessel shall return to a port of the continental United States.

"(b) All such applications shall set forth such facts as the Commission by regulation may prescribe as to the citizenship, character, and financial, technical, and other qualifications of the applicant to operate the station; the ownership and location of the proposed station and of the stations, if any, with which it is proposed to communicate; the frequencies and the power desired to be used; the hours of the day or other periods of time during which it is proposed to operate the station; the purposes for which the station is to be used; and such other information as it may require. The Commission, at any time after the filing of such original application and during the term of any such license, may require from an applicant or licensee further written statements of fact to enable it to determine whether such original application should be granted or denied or such license revoked. Such application and/or such statement of fact shall be signed by the applicant and/or licensee under oath or affirmation.

"(c) The Commission in granting any license for a station intended or used for commercial communication between the United States or any Territory or possession, continental or insular, subject to the jurisdiction of the United States, and any foreign country, may impose any terms, conditions, or restrictions authorized to be imposed with respect to submarine-cable licenses by section 2 of an act entitled 'An act relating to the landing and the operation of submarine cables in the United States', approved May 24, 1921.

"HEARINGS ON APPLICATIONS FOR LICENSES; FORM OF LICENSES; CONDITIONS ATTACHED TO LICENSES

"SEC. 309. (a) If upon examination of any application for a station license or for the renewal or modification of a station license the Commission shall determine that public interest, convenience, or necessity would be served by the granting thereof, it shall authorize the issuance, renewal, or modification thereof in accordance with said finding. In the event the Commission upon examination of any such application does not reach such decision with respect thereto, it shall notify the applicant thereof, shall fix and give notice of a time and place for hearing thereon, and shall afford such applicant an opportunity to be heard under such rules and regulations as it may prescribe.

"(b) Such station licenses as the Commission may grant shall be in such general form as it may prescribe, but each license shall contain, in addition to other provisions, a statement of the following conditions to which such license shall be subject:

"(1) The station license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized therein.

"(2) Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of this act.

"(3) Every license issued under this act shall be subject in terms to the right of use or control conferred by section 606 hereof.

"LIMITATION ON HOLDING AND TRANSFER OF LICENSES

"SEC. 310. (a) The station license required hereby shall not be granted to or held by—

"(1) Any alien or the representative of any alien;

"(2) Any foreign government or the representative thereof;

"(3) Any corporation organized under the laws of any foreign government;

"(4) Any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country;

"(5) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, or of which more than one-fourth of the capital stock is owned of record or voted, after June 1, 1935, by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or the revocation of such license.

"Nothing in this subsection shall prevent the licensing of radio apparatus on board any vessel, aircraft, or other mobile station of the United States when the installation and use of such apparatus is required by act of Congress or any treaty to which the United States is a party.

"(b) The station license required hereby, the frequencies authorized to be used by the licensee, and the rights therein granted shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such license, to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing.

"REFUSAL OF LICENSES AND PERMITS IN CERTAIN CASES

"SEC. 311. The Commission is hereby directed to refuse a station license and/or the permit hereinafter required for the construction of a station to any person (or to any person directly or indirectly controlled by such person) whose license has been revoked by a court under section 313, and is hereby authorized to refuse such station license and/or permit to any other person (or to any person directly or indirectly controlled by such person) which has been finally adjudged guilty by a Federal court of unlawfully monopolizing or attempting unlawfully to monopolize, radio commu-

nication, directly or indirectly, through the control of the manufacture or sale of radio apparatus, through exclusive traffic arrangements, or by any other means, or to have been using unfair methods of competition. The granting of a license shall not estop the United States or any person aggrieved from proceeding against such person for violating the law against unfair methods of competition or for a violation of the law against unlawful restraints and monopolies and/or combinations, contracts, or agreements in restraint of trade, or from instituting proceedings for the dissolution of such corporation.

"REVOCATION OF LICENSES

"SEC. 312. (a) Any station license may be revoked for false statements either in the application or in the statement of fact which may be required by section 308 hereof, or because of conditions revealed by such statements of fact as may be required from time to time which would warrant the Commission in refusing to grant a license on an original application, or for failure to operate substantially as set forth in the license, or for violation of or failure to observe any of the restrictions and conditions of this act or of any regulation of the Commission authorized by this act or by a treaty ratified by the United States: *Provided, however,* That no such order of revocation shall take effect until 15 days' notice in writing thereof, stating the cause for the proposed revocation, has been given to the licensee. Such licensee may make written application to the Commission at any time within said 15 days for a hearing upon such order, and upon the filing of such written application said order of revocation shall stand suspended until the conclusion of the hearing conducted under such rules as the Commission may prescribe. Upon the conclusion of said hearing the Commission may affirm, modify, or revoke said order of revocation.

"(b) Any station license hereafter granted under the provisions of this act or the construction permit required hereby and hereafter issued, may be modified by the Commission either for a limited time or for the duration of the term thereof, if in the judgment of the Commission such action will promote the public interest, convenience, and necessity, or the provisions of this act or of any treaty ratified by the United States will be more fully complied with: *Provided, however,* That no such order of modification shall become final until the holder of such outstanding license or permit shall have been notified in writing of the proposed action and the grounds or reasons therefor and shall have been given reasonable opportunity to show cause why such an order of modification should not issue.

"APPLICATION OF ANTITRUST LAWS

"SEC. 313. All laws of the United States relating to unlawful restraints and monopolies and to combinations, contracts, or agreements in restraint of trade are hereby declared to be applicable to the manufacture and sale of and to trade in radio apparatus and devices entering into or affecting interstate or foreign commerce and to interstate or foreign radio communications. Whenever in any suit, action, or proceeding, civil or criminal, brought under the provisions of any of said laws or in any proceedings brought to enforce or to review findings and orders of the Federal Trade Commission or other governmental agency in respect of any matters as to which said Commission or other governmental agency is by law authorized to act, any licensee shall be found guilty of the violation of the provisions of such laws or any of them, the court, in addition to the penalties imposed by said laws, may adjudge, order, and/or decree that the license of such licensee shall, as of the date the decree or judgment becomes finally effective or as of such other date as the said decree shall fix, be revoked and that all rights under such license shall thereupon cease: *Provided, however,* That such licensee shall have the same right of appeal or review as is provided by law in respect of other decrees and judgments of said court.

"PRESERVATION OF COMPETITION IN COMMERCE

"SEC. 314. After the effective date of this act no person engaged directly, or indirectly through any person directly or indirectly controlling or controlled by, or under direct or in-

direct common control with, such person, or through an agent, or otherwise, in the business of transmitting and/or receiving for hire energy, communications, or signals by radio in accordance with the terms of the license issued under this act, shall by purchase, lease, construction, or otherwise, directly or indirectly, acquire, own, control, or operate any cable or wire telegraph or telephone line or system between any place in any State, Territory, or possession of the United States or in the District of Columbia, and any place in any foreign country, or shall acquire, own, or control any part of the stock or other capital share or any interest in the physical property and/or other assets of any such cable, wire, telegraph, or telephone line or system, if in either case the purpose is and/or the effect thereof may be to substantially lessen competition or to restrain commerce between any place in any State, Territory, or possession of the United States, or in the District of Columbia, and any place in any foreign country, or unlawfully to create monopoly in any line of commerce; or shall any person engaged directly, or indirectly through any person directly or indirectly controlling or controlled by, or under direct or indirect common control with, such person, or through an agent, or otherwise, in the business of transmitting and/or receiving for hire messages by any cable, wire, telegraph, or telephone line or system (a) between any place in any State, Territory, or possession of the United States, or in the District of Columbia, and any place in any other State, Territory, or possession of the United States; or (b) between any place in any State, Territory, or possession of the United States, or the District of Columbia, and any place in any foreign country, by purchase, lease, construction, or otherwise, directly or indirectly acquire, own, control, or operate any station or the apparatus therein, or any system for transmitting and/or receiving radio communications or signals between any place in any State, Territory, or possession of the United States, or in the District of Columbia, and any place in any foreign country, or shall acquire, own, or control any part of the stock or other capital share or any interest in the physical property and/or other assets of any such radio station, apparatus, or system, if in either case the purpose is and/or the effect thereof may be to substantially lessen competition or to restrain commerce between any place in any State, Territory, or possession of the United States, or in the District of Columbia, and any place in any foreign country, or unlawfully to create monopoly in any line of commerce.

"FACILITIES FOR CANDIDATES FOR PUBLIC OFFICE

"Sec. 315. If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station, and the Commission shall make rules and regulations to carry this provision into effect: *Provided*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is hereby imposed upon any licensee to allow the use of its station by any such candidate.

"LOTTERIES AND OTHER SIMILAR SCHEMES

"Sec. 316. No person shall broadcast by means of any radio station for which a license is required by any law of the United States, and no person operating any such station shall knowingly permit the broadcasting of, any advertisement of or information concerning any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes. Any person violating any provision of this section shall, upon conviction thereof, be fined not more than \$1,000 or imprisoned not more than 1 year, or both, for each and every day during which such offense occurs.

"ANNOUNCEMENT THAT MATTER IS PAID FOR

"Sec. 317. All matter broadcast by any radio station for which service, money, or any other valuable consideration

is directly or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person.

"OPERATION OF TRANSMITTING APPARATUS

"Sec. 318. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this act shall be carried on only by a person holding an operator's license issued hereunder. No person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Commission.

"CONSTRUCTION PERMITS

"Sec. 319. (a) No license shall be issued under the authority of this act for the operation of any station the construction of which is begun or is continued after this act takes effect, unless a permit for its construction has been granted by the Commission upon written application therefor. The Commission may grant such permit if public convenience, interest, or necessity will be served by the construction of the station. This application shall set forth such facts as the Commission by regulation may prescribe as to the citizenship, character, and the financial, technical, and other ability of the applicant to construct and operate the station, the ownership and location of the proposed station and of the station or stations with which it is proposed to communicate, the frequencies desired to be used, the hours of the day or other periods of time during which it is proposed to operate the station, the purpose for which the station is to be used, the type of transmitting apparatus to be used, the power to be used, the date upon which the station is expected to be completed and in operation, and such other information as the Commission may require. Such application shall be signed by the applicant under oath or affirmation.

"(b) Such permit for construction shall show specifically the earliest and latest dates between which the actual operation of such station is expected to begin, and shall provide that said permit will be automatically forfeited if the station is not ready for operation within the time specified or within such further time as the Commission may allow, unless prevented by causes not under the control of the grantee. The rights under any such permit shall not be assigned or otherwise transferred to any person without the approval of the Commission. A permit for construction shall not be required for Government stations, amateur stations, or stations upon mobile vessels, railroad rolling stock, or aircraft. Upon the completion of any station for the construction or continued construction of which a permit has been granted, and upon it being made to appear to the Commission that all the terms, conditions, and obligations set forth in the application and permit have been fully met, and that no cause or circumstance arising or first coming to the knowledge of the Commission since the granting of the permit would, in the judgment of the Commission, make the operation of such station against the public interest, the Commission shall issue a license to the lawful holder of said permit for the operation of said station. Said license shall conform generally to the terms of said permit.

"DESIGNATION OF STATIONS LIABLE TO INTERFERE WITH DISTRESS SIGNALS

"Sec. 320. The Commission is authorized to designate from time to time radio stations the communications or signals of which, in its opinion, are liable to interfere with the transmission or reception of distress signals of ships. Such stations are required to keep a licensed radio operator listening in on the frequencies designated for signals of distress and radio communications relating thereto during the entire period the transmitter of such station is in operation.

"DISTRESS SIGNALS AND COMMUNICATIONS

"Sec. 321. (a) Every radio station on shipboard shall be equipped to transmit radio communications or signals of distress on the frequency specified by the Commission, with apparatus capable of transmitting and receiving messages over a distance of at least 100 miles by day or night. When

sending radio communications or signals of distress and radio communications relating thereto the transmitting set may be adjusted in such a manner as to produce a maximum of radiation irrespective of the amount of interference which may thus be caused.

"(b) All radio stations, including Government stations and stations on board foreign vessels when within the territorial waters of the United States, shall give absolute priority to radio communications or signals relating to ships in distress; shall cease all sending on frequencies which will interfere with hearing a radio communication or signal of distress, and, except when engaged in answering or aiding the ship in distress, shall refrain from sending any radio communications or signals until there is assurance that no interference will be caused with the radio communications or signals relating thereto, and shall assist the vessel in distress, so far as possible, by complying with its instructions.

"INTERCOMMUNICATION IN MOBILE SERVICE

"SEC. 322. Every land station open to general public service between the coast and vessels at sea shall be bound to exchange radio communications or signals with any ship station without distinction as to radio systems or instruments adopted by such stations, respectively, and each station on shipboard shall be bound to exchange radio communications or signals with any other station on shipboard without distinction as to radio systems or instruments adopted by each station.

"INTERFERENCE BETWEEN GOVERNMENT AND COMMERCIAL STATIONS

"SEC. 323. (a) At all places where Government and private or commercial radio stations on land operate in such close proximity that interference with the work of Government stations cannot be avoided when they are operating simultaneously, such private or commercial stations as do interfere with the transmission or reception of radio communications or signals by the Government stations concerned shall not use their transmitters during the first 15 minutes of each hour, local standard time.

"(b) The Government stations for which the above-mentioned division of time is established shall transmit radio communications or signals only during the first 15 minutes of each hour, local standard time, except in case of signals or radio communications relating to vessels in distress and vessel requests for information as to course, location, or compass direction.

"USE OF MINIMUM POWER

"SEC. 324. In all circumstances, except in case of radio communications or signals relating to vessels in distress, all radio stations, including those owned and operated by the United States, shall use the minimum amount of power necessary to carry out the communication desired.

"FALSE DISTRESS SIGNALS; REBROADCASTING; STUDIOS OF FOREIGN STATIONS

"SEC. 325. (a) No person within the jurisdiction of the United States shall knowingly utter or transmit, or cause to be uttered or transmitted, any false or fraudulent signal of distress, or communication relating thereto, nor shall any broadcasting station rebroadcast the program or any part thereof of another broadcasting station without the express authority of the originating station.

"(b) No person shall be permitted to locate, use, or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any radio station there having a power output of sufficient intensity and/or being so located geographically that its emissions may be received consistently in the United States, without first obtaining a permit from the Commission upon proper application therefor.

"(c) Such application shall contain such information as the Commission may by regulation prescribe, and the granting or refusal thereof shall be subject to the requirements of section 309 hereof with respect to applications for station licenses or renewal or modification thereof, and the

license or permission so granted shall be revocable for false statements in the application so required or when the Commission, after hearings, shall find its continuation no longer in the public interest.

"CENSORSHIP; INDECENT LANGUAGE

"SEC. 326. Nothing in this act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication. No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication.

"USE OF NAVAL STATIONS FOR COMMERCIAL MESSAGES

"SEC. 327. The Secretary of the Navy is hereby authorized, unless restrained by international agreement, under the terms and conditions and at rates prescribed by him, which rates shall be just and reasonable, and which, upon complaint, shall be subject to review and revision by the Commission, to use all radio stations and apparatus, wherever located, owned by the United States and under the control of the Navy Department, (a) for the reception and transmission of press messages offered by any newspaper published in the United States, its Territories or possessions, or published by citizens of the United States in foreign countries, or by any press association of the United States, and (b) for the reception and transmission of private commercial messages between ships, between ship and shore, between localities in Alaska, and between Alaska and the continental United States: *Provided*, That the rates fixed for the reception and transmission of all such messages, other than press messages between the Pacific coast of the United States, Hawaii, Alaska, Guam, American Samoa, the Philippine Islands, and the Orient, and between the United States and the Virgin Islands, shall not be less than the rates charged by privately owned and operated stations for like messages and service: *Provided further*, That the right to use such stations for any of the purposes named in this section shall terminate and cease as between any countries or localities or between any locality and privately operated ships whenever privately owned and operated stations are capable of meeting the normal communication requirements between such countries or localities or between any locality and privately operated ships, and the Commission shall have notified the Secretary of the Navy thereof.

"SPECIAL PROVISION AS TO PHILIPPINE ISLANDS AND CANAL ZONE

"SEC. 328. This title shall not apply to the Philippine Islands or to the Canal Zone. In international radio matters the Philippine Islands and the Canal Zone shall be represented by the Secretary of State.

"ADMINISTRATION OF RADIO LAWS IN TERRITORIES AND POSSESSIONS

"SEC. 329. The Commission is authorized to designate any officer or employee of any other department of the Government on duty in any Territory or possession of the United States other than the Philippine Islands and the Canal Zone, to render therein such services in connection with the administration of the radio laws of the United States as the Commission may prescribe: *Provided*, That such designation shall be approved by the head of the department in which such person is employed.

"TITLE IV—PROCEDURAL AND ADMINISTRATIVE PROVISIONS

"JURISDICTION TO ENFORCE ACT AND ORDERS OF COMMISSION

"SEC. 401. (a) The district courts of the United States shall have jurisdiction, upon application of the Attorney General of the United States at the request of the Commission, alleging a failure to comply with or a violation of any of the provisions of this act by any person, to issue a writ or writs of mandamus commanding such person to comply with the provisions of this act.

"(b) If any person fails or neglects to obey any order of the Commission other than for the payment of money, while the same is in effect, the Commission or any party injured thereby, or the United States, by its Attorney General, may

apply to the appropriate district court of the United States for the enforcement of such order. If, after hearing, that court determines that the order was regularly made and duly served, and that the person is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such person or the officers, agents, or representatives of such person, from further disobedience of such order, or to enjoin upon it or them obedience to the same.

"(c) Upon the request of the Commission it shall be the duty of any district attorney of the United States to whom the Commission may apply to institute in the proper court and to prosecute under the direction of the Attorney General of the United States all necessary proceedings for the enforcement of the provisions of this act and for the punishment of all violations thereof, and the costs and expenses of such prosecutions shall be paid out of the appropriations for the expenses of the courts of the United States.

"(d) The provisions of the Expediting Act, approved February 11, 1903, as amended, and of section 238 (1) of the Judicial Code, as amended, shall be held to apply to any suit in equity arising under title II of this act, wherein the United States is complainant.

"PROCEEDINGS TO ENFORCE OR SET ASIDE THE COMMISSION'S ORDERS—
APPEAL IN CERTAIN CASES

"SEC. 402. (a) The provisions of the act of October 22, 1913 (38 Stat. 219), relating to the enforcing or setting aside of the orders of the Interstate Commerce Commission, are hereby made applicable to suits to enforce, enjoin, set aside, annul, or suspend any order of the Commission under this act (except any order of the Commission granting or refusing an application for a construction permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modification of an existing radio station license), and such suits are hereby authorized to be brought as provided in that act.

"(b) An appeal may be taken, in the manner hereinafter provided, from decisions of the Commission to the Court of Appeals of the District of Columbia in any of the following cases:

"(1) By any applicant for a construction permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modification of an existing radio station license, whose application is refused by the Commission.

"(2) By any other person aggrieved or whose interests are adversely affected by any decision of the Commission granting or refusing any such application.

"(c) Such appeal shall be taken by filing with said court within 20 days after the decision complained of is effective, notice in writing of said appeal and a statement of the reasons therefor, together with proof of service of a true copy of said notice and statement upon the Commission. Unless a later date is specified by the Commission as part of its decision, the decision complained of shall be considered to be effective as of the date on which public announcement of the decision is made at the office of the Commission in the city of Washington. The Commission shall thereupon immediately, and in any event not later than 5 days from the date of such service upon it, mail or otherwise deliver a copy of said notice of appeal to each person shown by the records of the Commission to be interested in such appeal and to have a right to intervene therein under the provisions of this section, and shall at all times thereafter permit any such person to inspect and make copies of the appellant's statement of reasons for said appeal at the office of the Commission in the city of Washington. Within 30 days after the filing of said appeal the Commission shall file with the court the originals or certified copies of all papers and evidence presented to it upon the application involved, and also a like copy of its decision thereon, and shall within 30 days thereafter file a full statement in writing of the facts and grounds for its decision as found and given by it, and a list of all interested persons to whom it has mailed or otherwise delivered a copy of said notice of appeal.

"(d) Within 30 days after the filing of said appeal any interested person may intervene and participate in the proceedings had upon said appeal by filing with the court a notice of intention to intervene and a verified statement showing the nature of the interest of such party, together with proof of service of true copies of said notice and statement, both upon appellant and upon the Commission. Any person who would be aggrieved or whose interests would be adversely affected by a reversal or modification of the decision of the Commission complained of shall be considered an interested party.

"(e) At the earliest convenient time the court shall hear and determine the appeal upon the record before it, and shall have power, upon such record, to enter a judgment affirming or reversing the decision of the Commission, and in event the court shall render a decision and enter an order reversing the decision of the Commission, it shall remand the case to the Commission to carry out the judgment of the court: *Provided, however,* That the review by the court shall be limited to questions of law and that findings of fact by the Commission, if supported by substantial evidence, shall be conclusive unless it shall clearly appear that the findings of the Commission are arbitrary or capricious. The court's judgment shall be final, subject, however, to review by the Supreme Court of the United States upon writ of certiorari on petition therefor under section 240 of the Judicial Code, as amended, by appellant, by the Commission, or by any interested party intervening in the appeal.

"(f) The court may, in its discretion, enter judgment for costs in favor of or against an appellant, and/or other interested parties intervening in said appeal, but not against the Commission, depending upon the nature of the issues involved upon said appeal and the outcome thereof.

"INQUIRY BY COMMISSION ON ITS OWN MOTION

"SEC. 403. The Commission shall have full authority and power at any time to institute an inquiry, on its own motion, in any case and as to any matter or thing concerning which complaint is authorized to be made, to or before the Commission by any provision of this act, or concerning which any question may arise under any of the provisions of this act, or relating to the enforcement of any of the provisions of this act. The Commission shall have the same powers and authority to proceed with any inquiry instituted on its own motion as though it had been appealed to by complaint or petition under any of the provisions of this act, including the power to make and enforce any order or orders in the case, or relating to the matter or thing concerning which the inquiry is had, excepting orders for the payment of money.

"REPORTS OF INVESTIGATIONS

"SEC. 404. Whenever an investigation shall be made by the Commission it shall be its duty to make a report in writing in respect thereto, which shall state the conclusions of the Commission, together with its decision, order, or requirement in the premises; and in case damages are awarded such report shall include the findings of fact on which the award is made.

"REHEARING BEFORE COMMISSION

"SEC. 405. After a decision, order, or requirement has been made by the Commission in any proceeding, any party thereto may at any time make application for rehearing of the same, or any matter determined therein, and it shall be lawful for the Commission in its discretion to grant such a rehearing if sufficient reason therefor be made to appear: *Provided, however,* That in the case of a decision, order, or requirement made under title III, the time within which application for rehearing may be made shall be limited to 20 days after the effective date thereof, and such application may be made by any party or any person aggrieved or whose interests are adversely affected thereby. Applications for rehearing shall be governed by such general rules as the Commission may establish. No such application shall excuse any person from complying with or obeying any decision, order, or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof, with-

out the special order of the Commission. In case a rehearing is granted, the proceedings thereupon shall conform as nearly as may be to the proceedings in an original hearing, except as the Commission may otherwise direct; and if, in its judgment, after such rehearing and the consideration of all the facts, including those arising since the former hearing, it shall appear that the original decision, order, or requirement is in any respect unjust or unwarranted, the Commission may reverse, change, or modify the same accordingly. Any decision, order, or requirement made after such rehearing, reversing, changing, or modifying the original determination, shall be subject to the same provisions as an original order.

"MANDAMUS TO COMPEL FURNISHING OF FACILITIES

"SEC. 406. The district courts of the United States shall have jurisdiction upon the relation of any person alleging any violation, by a carrier subject to this act, of any of the provisions of this act which prevent the relator from receiving service in interstate or foreign communication by wire or radio, or in interstate or foreign transmission of energy by radio, from said carrier at the same charges, or upon terms or conditions as favorable as those given by said carrier for like communication or transmission under similar conditions to any other person, to issue a writ or writs of mandamus against said carrier commanding such carrier to furnish facilities for such communication or transmission to the party applying for the writ: *Provided*, That if any question of fact as to the proper compensation to the carrier for the service to be enforced by the writ is raised by the pleadings, the writ of peremptory mandamus may issue, notwithstanding such question of fact is undetermined, upon such terms as to security, payment of money into the court, or otherwise, as the court may think proper pending the determination of the question of fact: *Provided further*, That the remedy hereby given by writ of mandamus shall be cumulative and shall not be held to exclude or interfere with other remedies provided by this act.

"PETITION FOR ENFORCEMENT OF ORDER FOR PAYMENT OF MONEY

"SEC. 407. If a carrier does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may file in the district court of the United States for the district in which he resides or in which is located the principal operating office of the carrier, or through which the line of the carrier runs, or in any State court of general jurisdiction having jurisdiction of the parties, a petition setting forth briefly the causes for which he claims damages, and the order of the Commission in the premises. Such suit in the district court of the United States shall proceed in all respects like other civil suits for damages, except that on the trial of such suits the findings and order of the Commission shall be prima facie evidence of the facts therein stated, except that the petitioner shall not be liable for costs in the district court nor for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If the petitioner shall finally prevail, he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit.

"ORDERS NOT FOR PAYMENT OF MONEY—WHEN EFFECTIVE

"SEC. 408. Except as otherwise provided in this act, all orders of the Commission, other than orders for the payment of money, shall take effect within such reasonable time, not less than 30 days after service of the order, and shall continue in force until its further order, or for a specified period of time, according as shall be prescribed in the order, unless the same shall be suspended or modified or set aside by the Commission, or be suspended or set aside by a court of competent jurisdiction.

"GENERAL PROVISIONS RELATING TO PROCEEDINGS—WITNESSES AND DEPOSITIONS

"SEC. 409. (a) Any member or examiner of the Commission, or the director of any division, when duly designated by the Commission for such purpose, may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States

designated by the Commission; except that in the administration of title III an examiner may not be authorized to exercise such powers with respect to a matter involving (1) a change of policy by the Commission, (2) the revocation of a station license, (3) new devices or developments in radio, or (4) a new kind of use of frequencies. In all cases heard by an examiner the Commission shall hear oral arguments on request of either party.

"(b) For the purposes of this act the Commission shall have the power to require by subpoena the attendance and testimony of witnesses and the production of all books, papers, schedules of charges, contracts, agreements, and documents relating to any matter under investigation. Witnesses summoned before the Commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(c) Such attendance of witnesses, and the production of such documentary evidence, may be required from any place in the United States, at any designated place of hearing. And in case of disobedience to a subpoena the Commission, or any party to a proceeding before the Commission, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

"(d) Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpoena issued to any common carrier or licensee or other person, issue an order requiring such common carrier, licensee, or other person to appear before the Commission (and produce books and papers if so ordered) and give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(e) The testimony of any witness may be taken, at the instance of a party, in any proceeding or investigation pending before the Commission, by deposition, at any time after a cause or proceeding is at issue on petition and answer. The Commission may also order testimony to be taken by deposition in any proceeding or investigation pending before it, at any stage of such proceeding or investigation. Such depositions may be taken before any judge of any court of the United States, or any United States commissioner, or any clerk of a district court, or any chancellor, justice, or judge of a supreme or superior court, mayor, or chief magistrate of a city, judge of a county court, or court of common pleas of any of the United States, or any notary public, not being of counsel or attorney to either of the parties, nor interested in the event of the proceeding or investigation. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness and the time and place of the taking of his deposition. Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Commission, as hereinbefore provided.

"(f) Every person deposing as herein provided shall be cautioned and sworn (or affirm, if he so request) to testify the whole truth, and shall be carefully examined. His testimony shall be reduced to writing by the magistrate taking the deposition, or under his direction, and shall, after it has been reduced to writing, be subscribed by the deponent.

"(g) If a witness whose testimony may be desired to be taken by deposition be in a foreign country, the deposition may be taken before an officer or person designated by the Commission, or agreed upon by the parties by stipulation in writing to be filed with the Commission. All depositions must be promptly filed with the Commission.

"(h) Witnesses whose depositions are taken as authorized in this act, and the magistrate or other officer taking the same, shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

"(i) No person shall be excused from attending and testifying or from producing books, papers, schedules of charges, contracts, agreements, and documents before the Commission, or in obedience to the subpoena of the Commission, whether such subpoena be signed or issued by one or more commissioners, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this act, or of any amendments thereto, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

"(j) Any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce books, papers, schedules of charges, contracts, agreements, and documents, if in his power to do so, in obedience to the subpoena or lawful requirement of the Commission, shall be guilty of a misdemeanor and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than \$100 nor more than \$5,000, or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

"USE OF JOINT BOARDS—COOPERATION WITH STATE COMMISSIONS

"SEC. 410. (a) The Commission may refer any matter arising in the administration of this act to a joint board to be composed of a member, or of an equal number of members, as determined by the Commission, from each of the States in which the wire or radio communication affected by or involved in the proceeding takes place or is proposed, and any such board shall be vested with the same powers and be subject to the same duties and liabilities as in the case of a member of the Commission when designated by the Commission to hold a hearing as hereinbefore authorized. The action of a joint board shall have such force and effect and its proceedings shall be conducted in such manner as the Commission shall by regulations prescribe. The joint board member or members for each State shall be nominated by the State commission of the State or by the Governor if there is no State commission, and appointed by the Federal Communications Commission. The Commission shall have discretion to reject any nominee. Joint board members shall receive such allowances for expenses as the Commission shall provide.

"(b) The Commission may confer with any State commission having regulatory jurisdiction with respect to carriers, regarding the relationship between rate structures, accounts, charges, practices, classifications, and regulations of carriers subject to the jurisdiction of such State commission and of the Commission; and the Commission is authorized under such rules and regulations as it shall prescribe to hold joint hearings with any State commission in connection with any matter with respect to which the Commission is authorized to act. The Commission is authorized in the administration of this act to avail itself of such cooperation, services, records, and facilities as may be afforded by any State commission.

"JOINDER OF PARTIES

"SEC. 411. (a) In any proceeding for the enforcement of the provisions of this act, whether such proceeding be instituted before the Commission or be begun originally in any district court of the United States, it shall be lawful to include as parties, in addition to the carrier, all persons interested in or affected by the charge, regulation, or practice under consideration, and inquiries, investigations, orders, and decrees may be made with reference to and against such additional parties in the same manner, to the same extent, and subject to the same provisions as are or shall be authorized by law with respect to carriers.

"(b) In any suit for the enforcement of an order for the payment of money all parties in whose favor the Commission may have made an award for damages by a single order may be joined as plaintiffs, and all of the carriers parties to such order awarding such damages may be joined as defendants, and such suit may be maintained by such joint plaintiffs and against such joint defendants in any district where any one of such joint plaintiffs could maintain such suit against any one of such joint defendants; and service of process against any one of such defendants as may not be found in the district where the suit is brought may be made in any district where such defendant carrier has its principal operating office. In case of such joint suit, the recovery, if any, may be by judgment in favor of any one of such plaintiffs, against the defendant found to be liable to such plaintiff.

"DOCUMENTS FILED TO BE PUBLIC RECORDS—USE IN PROCEEDINGS

"SEC. 412. The copies of schedules of charges, classifications, and of all contracts, agreements, and arrangements between common carriers filed with the Commission as herein provided, and the statistics, tables, and figures contained in the annual or other reports of carriers and other persons made to the Commission as required under the provisions of this act shall be preserved as public records in the custody of the secretary of the Commission, and shall be received as prima facie evidence of what they purport to be for the purpose of investigations by the Commission and in all judicial proceedings; and copies of and extracts from any of said schedules, classifications, contracts, agreements, arrangements, or reports, made public records as aforesaid, certified by the secretary, under the Commission's seal, shall be received in evidence with like effect as the originals: *Provided*, That the Commission may, if the public interest will be served thereby, keep confidential any contract, agreement, or arrangement relating to foreign wire or radio communication when the publication of such contract, agreement, or arrangement would place American communication companies at a disadvantage in meeting the competition of foreign communication companies.

"DESIGNATION OF AGENT FOR SERVICE

"SEC. 413. It shall be the duty of every carrier subject to this act, within 60 days after the taking effect of this act, to designate in writing an agent in the District of Columbia, upon whom service of all notices and process and all orders, decisions, and requirements of the Commission may be made for and on behalf of said carrier in any proceeding or suit pending before the Commission, and to file such designation in the office of the secretary of the Commission, which designation may from time to time be changed by like writing similarly filed; and thereupon service of all notices and process and orders, decisions, and requirements of the Commission may be made upon such carrier by leaving a copy thereof with such designated agent at his office or usual place of residence in the District of Columbia, with like effect as if made personally upon such carrier, and in default of such designation of such agent, service of any notice or other process in any proceeding before said Commission, or of any order, decision, or requirement of the Commission, may be made by posting such notice, process, order, requirement, or decision in the office of the secretary of the Commission.

"REMEDIES IN THIS ACT NOT EXCLUSIVE

"SEC. 414. Nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies.

"LIMITATIONS AS TO ACTIONS

"SEC. 415. (a) All actions at law by carriers for recovery of their lawful charges, or any part thereof, shall be begun within 1 year from the time the cause of action accrues, and not after.

"(b) All complaints against carriers for the recovery of damages not based on overcharges shall be filed with the

Commission within 1 year from the time the cause of action accrues, and not after, subject to subsection (d) of this section.

"(c) For recovery of overcharges action at law shall be begun or complaint filed with the Commission against carriers within 1 year from the time the cause of action accrues, and not after, subject to subsection (d) of this section, except that if claim for the overcharge has been presented in writing to the carrier within the 1-year period of limitation said period shall be extended to include 1 year from the time notice in writing is given by the carrier to the claimant of disallowance of the claim, or any part or parts thereof, specified in the notice.

"(d) If on or before expiration of the period of limitation in subsection (b) or (c) a carrier begins action under subsection (a) for recovery of lawful charges in respect of the same service, or, without beginning action, collects charges in respect of that service, said period of limitation shall be extended to include 90 days from the time such action is begun or such charges are collected by the carrier.

"(e) The cause of action in respect of the transmission of a message shall, for the purposes of this section, be deemed to accrue upon delivery or tender of delivery thereof by the carrier, and not after.

"(f) A petition for the enforcement of an order of the Commission for the payment of money shall be filed in the district court or the State court within 1 year from the date of the order, and not after.

"(g) The term 'overcharges' as used in this section shall be deemed to mean charges for services in excess of those applicable thereto under the schedules of charges lawfully on file with the Commission.

"PROVISIONS RELATING TO ORDERS

"SEC. 416. (a) Every order of the Commission shall be forthwith served upon the designated agent of the carrier in the city of Washington or in such other manner as may be provided by law.

"(b) Except as otherwise provided in this act, the Commission is hereby authorized to suspend or modify its orders upon such notice and in such manner as it shall deem proper.

"(c) It shall be the duty of every person, its agents and employees, and any receiver or trustee thereof, to observe and comply with such orders so long as the same shall remain in effect.

"TITLE V—PENAL PROVISIONS—FORFEITURES

"GENERAL PENALTY

"SECTION 501. Any person who willfully and knowingly does or causes or suffers to be done any act, matter, or thing, in this act prohibited or declared to be unlawful, or who willfully and knowingly omits or fails to do any act, matter, or thing in this act required to be done, or willfully and knowingly causes or suffers such omission or failure, shall, upon conviction thereof, be punished for such offense, for which no penalty (other than a forfeiture) is provided herein, by a fine of not more than \$10,000 or by imprisonment for a term of not more than 2 years, or both.

"VIOLATIONS OF RULES, REGULATIONS, ETC.

"SEC. 502. Any person who willfully and knowingly violates any rule, regulation, restriction, or condition made or imposed by the Commission under authority of this act, or any rule, regulation, restriction, or condition made or imposed by any international radio or wire communications treaty or convention, or regulations annexed thereto, to which the United States is or may hereafter become a party, shall, in addition to any other penalties provided by law, be punished, upon conviction thereof, by a fine of not more than \$500 for each and every day during which such offense occurs.

"FORFEITURE IN CASES OF REBATES AND OFFSETS

"SEC. 503. Any person who shall deliver messages for interstate or foreign transmission to any carrier or for whom as sender or receiver, any such carrier shall transmit any interstate or foreign wire or radio communication, who shall knowingly by employee, agent, officer, or otherwise, directly or indirectly, by or through any means or device whatsoever, receive or accept from such common carrier any sum of

money or any other valuable consideration as a rebate or offset against the regular charges for transmission of such messages as fixed by the schedules of charges provided for in this act, shall in addition to any other penalty provided by this act forfeit to the United States a sum of money three times the amount of money so received or accepted and three times the value of any other consideration so received or accepted, to be ascertained by the trial court; and in the trial of said action all such rebates or other considerations so received or accepted for a period of 6 years prior to the commencement of the action, may be included therein, and the amount recovered shall be three times the total amount of money, or three times the total value of such consideration, so received or accepted, or both, as the case may be.

"PROVISIONS RELATING TO FORFEITURES

"SEC. 504. The forfeitures provided for in this act shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States, brought in the district where the person or carrier has its principal operating office, or in any district through which the line or system of the carrier runs. Such forfeitures shall be in addition to any other general or specific penalties herein provided. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures under this act. The costs and expenses of such prosecutions shall be paid from the appropriation for the expenses of the courts of the United States.

"VENUE OF OFFENSES

"SEC. 505. The trial of any offense under this act shall be in the district in which it is committed; or if the offense is committed upon the high seas, or out of the jurisdiction of any particular State or district, the trial shall be in the district where the offender may be found or into which he shall be first brought. Whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

"TITLE VI—MISCELLANEOUS PROVISIONS

"TRANSFER TO COMMISSION OF DUTIES, POWERS, AND FUNCTIONS UNDER EXISTING LAW

"SEC. 601. (a) All duties, powers, and functions of the Interstate Commerce Commission under the act of August 7, 1888 (25 Stat. 382), relating to operation of telegraph lines by railroad and telegraph companies granted Government aid in the construction of their lines, are hereby imposed upon and vested in the Commission: *Provided*, That such transfer of duties, powers, and functions shall not be construed to affect the duties, powers, functions, or jurisdiction of the Interstate Commerce Commission under, or to interfere with or prevent the enforcement of, the Interstate Commerce Act and all acts amendatory thereof or supplemental thereto.

"(b) All duties, powers, and functions of the Postmaster General with respect to telegraph companies and telegraph lines under any existing provision of law are hereby imposed upon and vested in the Commission.

"REPEALS AND AMENDMENTS

"SEC. 602. (a) The Radio Act of 1927, as amended, is hereby repealed.

"(b) The provisions of the Interstate Commerce Act, as amended, insofar as they relate to communication by wire or wireless, or to telegraph, telephone, or cable companies operating by wire or wireless, except the last provision of section 1 (5) and the provisions of section 1 (7) are hereby repealed.

"(c) The last sentence of section 2 of the act entitled 'An act relating to the landing and operation of submarine cables in the United States', approved May 27, 1921, is amended to read as follows: 'Nothing herein contained shall be construed to limit the power and jurisdiction of the Federal Communications Commission with respect to the transmission of messages.'

"(d) The first paragraph of section 11 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, is amended to read as follows:

"Sec. 11. That authority to enforce compliance with sections 2, 3, 7, and 8 of this act by the persons respectively subject thereto is hereby vested: In the Interstate Commerce Commission where applicable to common carriers subject to the Interstate Commerce Act, as amended; in the Federal Communications Commission where applicable to common carriers engaged in wire or radio communication or radio transmission of energy; in the Federal Reserve Board where applicable to banks, banking associations, and trust companies; and in the Federal Trade Commission where applicable to all other character of commerce, to be exercised as follows: "

"TRANSFER OF EMPLOYEES, RECORDS, PROPERTY, AND APPROPRIATIONS

"SEC. 603. (a) All officers and employees of the Federal Radio Commission (except the members thereof, whose offices are hereby abolished) whose services in the judgment of the Commission are necessary to the efficient operation of the Commission are hereby transferred to the Commission, without change in classification or compensation; except that the Commission may provide for the adjustment of such classification or compensation to conform to the duties to which such officers and employees may be assigned.

"(b) There are hereby transferred to the jurisdiction and control of the Commission (1) all records and property (including office furniture and equipment, and including monitoring radio stations) under the jurisdiction of the Federal Radio Commission, and (2) all records under the jurisdiction of the Interstate Commerce Commission and of the Postmaster General relating to the duties, powers, and functions imposed upon and vested in the Commission by this act.

"(c) All appropriations and unexpended balances of appropriations available for expenditure by the Federal Radio Commission shall be available for expenditure by the Commission for any and all objects of expenditure authorized by this act in the discretion of the Commission, without regard to the requirement of apportionment under the Anti-deficiency Act of February 27, 1906.

"EFFECT OF TRANSFERS, REPEALS, AND AMENDMENTS

"SEC. 604. (a) All orders, determinations, rules, regulations, permits, contracts, licenses, and privileges which have been issued, made, or granted by the Interstate Commerce Commission, the Federal Radio Commission, or the Postmaster General, under any provision of law repealed or amended by this act or in the exercise of duties, powers, or functions transferred to the Commission by this act, and which are in effect at the time this section takes effect, shall continue in effect until modified, terminated, superseded, or repealed by the Commission or by operation of law.

"(b) Any proceeding, hearing, or investigation commenced or pending before the Federal Radio Commission, the Interstate Commerce Commission, or the Postmaster General, at the time of the organization of the Commission, shall be continued by the Commission in the same manner as though originally commenced before the Commission, if such proceeding, hearing, or investigation (1) involves the administration of duties, powers, and functions transferred to the Commission by this act, or (2) involves the exercise of jurisdiction similar to that granted to the Commission under the provisions of this act.

"(c) All records transferred to the Commission under this act shall be available for use by the Commission to the same extent as if such records were originally records of the Commission. All final valuations and determinations of depreciation charges by the Interstate Commerce Commission with respect to common carriers engaged in radio or wire communication, and all orders of the Interstate Commerce Commission with respect to such valuations and determinations, shall have the same force and effect as though made by the Commission under this act.

"(d) The provisions of this Act shall not affect suits commenced prior to the date of the organization of the Commission; and all such suits shall be continued, proceedings therein had, appeals therein taken and judgments therein rendered, in the same manner and with the same effect as if this act had not been passed. No suit, action, or other proceeding lawfully commenced by or against any agency or officer of the United States, in relation to the discharge of official duties, shall abate by reason of any transfer of authority, power, and duties from such agency or officer to the Commission under the provisions of this act, but the court, upon motion or supplemental petition filed at any time within 12 months after such transfer, showing the necessity for a survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, may allow the same to be maintained by or against the Commission.

"UNAUTHORIZED PUBLICATION OF COMMUNICATIONS

"SEC. 605. No person receiving or assisting in receiving, or transmitting, or assisting in transmitting, any interstate or foreign communication by wire or radio shall divulge or publish the existence, contents, substance, purpose, effect, or meaning thereof, except through authorized channels of transmission or reception, to any person other than the addressee, his agent, or attorney, or to a person employed or authorized to forward such communication to its destination, or to proper accounting or distributing officers of the various communicating centers over which the communication may be passed, or to the master of a ship under whom he is serving, or in response to a subpoena issued by a court of competent jurisdiction, or on demand of other lawful authority; and no person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person; and no person not being entitled thereto shall receive or assist in receiving any interstate or foreign communication by wire or radio and use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto; and no person having received such intercepted communication or having become acquainted with the contents, substance, purport, effect, or meaning of the same or any part thereof, knowing that such information was so obtained, shall divulge or publish the existence, contents, substance, purport, effect, or meaning of the same or any part thereof, or use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto: *Provided*, That this section shall not apply to the receiving, divulging, publishing, or utilizing the contents of any radio communication broadcast, or transmitted by amateurs or others for the use of the general public, or relating to ships in distress.

"WAR EMERGENCY—POWERS OF PRESIDENT

"SEC. 606. (a) During the continuance of a war in which the United States is engaged, the President is authorized, if he finds it necessary for the national defense and security, to direct that such communications as in his judgment may be essential to the national defense and security shall have preference or priority with any carrier subject to this act. He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them and for any such purpose he is hereby authorized to issue orders directly, or through such person or persons as he designates for the purpose, or through the Commission. Any carrier complying with any such order or direction for preference or priority herein authorized shall be exempt from any and all provisions in existing law imposing civil or criminal penalties, obligations, or liabilities upon carriers by reason of giving preference or priority in compliance with such order or direction.

"(b) It shall be unlawful for any person during any war in which the United States is engaged to knowingly or willfully, by physical force or intimidation by threats of physical force, obstruct or retard or aid in obstructing or retarding interstate or foreign communication by radio or wire.

The President is hereby authorized, whenever in his judgment the public interest requires, to employ the armed forces of the United States to prevent any such obstruction or retardation of communication: *Provided*, That nothing in this section shall be construed to repeal, modify, or affect either section 6 or section 20 of an act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914.

"(c) Upon proclamation by the President that there exists war or a threat of war of a state of public peril or disaster or other national emergency, or in order to preserve the neutrality of the United States, the President may suspend or amend, for such time as he may see fit, the rules and regulations applicable to any or all stations within the jurisdiction of the United States as prescribed by the Commission, and may cause the closing of any station for radio communication and the removal therefrom of its apparatus and equipment, or he may authorize the use or control of any such station and/or its apparatus and equipment by any department of the Government under such regulations as he may prescribe, upon just compensation to the owners.

"(d) The President shall ascertain the just compensation for such use or control and certify the amount ascertained to Congress for appropriation and payment to the person entitled thereto. If the amount so certified is unsatisfactory to the person entitled thereto, such person shall be paid only 75 percent of the amount and shall be entitled to sue the United States to recover such further sum as added to such payment of 75 percent will make such amount as will be just compensation for the use and control. Such suit shall be brought in the manner provided by paragraph 20 of section 24, or by section 145 of the Judicial Code, as amended.

"EFFECTIVE DATE OF ACT

"SEC. 607. This act shall take effect upon the organization of the Commission, except that this section and sections 1 and 4 shall take effect on July 1, 1934. The Commission shall be deemed to be organized upon such date as four members of the Commission have taken office.

"SEPARABILITY CLAUSE

"SEC. 608. If any provision of this act or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

"SHORT TITLE

"SEC. 609. This act may be cited as the 'Communications Act of 1934.'

And the House agree to the same.

That the title of the bill be amended to read as follows: "An act to provide for the regulation of interstate and foreign communication by wire or radio, and for other purposes."

SAM RAYBURN,
CLARENCE LEA,
CARL E. MAPES,
CHAS. A. WOLVERTON,

Managers on the part of the House.

C. C. DILL,
E. D. SMITH,
CARL A. HATCH,
JAMES COUZENS,
WALLACE H. WHITE, Jr.,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3285) to provide for the regulation of interstate and foreign communications by wire or radio, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment strikes out all of the Senate bill after the enacting clause. The Senate recedes from its disagreement to the House amendment with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the House amendment and the substitute agreed upon by the conferees are noted in the following outline, except for incidental changes made necessary by reason of the action of the conferees and minor and clarifying changes.

The Senate bill provides in section 2 for the application of the act to the licensing and regulating of all radio stations as provided in the act. The House amendment omits this provision. In view of the action taken by the conferees in respect of title III of the bill, the substitute retains the provision of the Senate bill.

Section 3 (e) of the Senate bill defines "interstate communication" and "interstate transmission." The House amendment contains a corresponding definition but differs from the Senate bill in certain respects. The Senate bill includes communication or transmission from or to the United States to or from the Philippine Islands or the Canal Zone only insofar as it takes place within the United States. The House amendment includes such communication or transmission in its entirety. The Senate bill excludes wire communication between points within the same State which passes through another State or a foreign country, when such communication is regulated by a State commission. The House amendment includes communication or transmission between points within the same State which passes through another State, but does not include such communication or transmission which passes through a foreign country, irrespective of regulation by a State commission. The Senate bill does not include communication or transmission wholly within the same Territory or possession or the District of Columbia. The House amendment includes such communication and transmission, except in the case of the Philippine Islands and the Canal Zone. The substitute adopts the provisions of the Senate definition.

The Senate amendment defines "common carrier" or "carrier" to mean any person engaged as a common carrier for hire in interstate or foreign communication by wire or radio or in interstate or foreign radio transmission of energy. In the House amendment the terms are defined to mean any person engaged in communication by wire or radio as a common carrier for hire. The substitute (sec. 3 (h)) adopts the Senate provision. It is to be noted that the definition does not include any person if not a common carrier in the ordinary sense of the term, and therefore does not include press associations or other organizations engaged in the business of collecting and distributing news services which may refuse to furnish to any person service which they are capable of furnishing, and may furnish service under varying arrangements, establishing the service to be rendered, the terms under which rendered, and the charges therefor.

The Senate bill provides for a Federal Communications Commission of five commissions with terms of 6 years. The House amendment provides for 7 commissioners with terms of 7 years. The substitute adopts the House provision.

Section 4 (f) of the Senate bill provides for appointment and salaries of officers and employees of the Commission. The House amendment contains a somewhat similar provision, which is retained in the substitute, except that it reduces the maxima of the salaries of the chief counsel and chief engineer from \$10,000 to \$9,000 per annum and of the directors of divisions from \$8,000 to \$7,500 per annum, following the Senate bill in both cases. It also fixes the salary of the secretary of the Commission at a maximum of \$7,500, as provided in the Senate bill.

Both the Senate bill and the House amendment provide for publication of the Commission's records and proceedings, but the Senate bill authorizes the Commission to withhold publication of such records or proceedings as contain secret information affecting the national defense. The House amendment omits this authorization. The substitute adopts the Senate provision.

The Senate bill provides for two designated divisions of the Commission and fixes the jurisdiction of these divisions and of the Commission over the various subjects of the bill. The House amendment follows the provisions of section 17 of the Interstate Commerce Act, as amended, and provides that the Commission may fix its own divisions (not in excess of three) and make its own assignment of work thereto, and may assign certain of its work to individual commissioners or boards of employees. The substitute adopts the House provision.

Title II of the Senate bill and of the House amendment relate to the regulation of common carriers. The only substantial differences between the House amendment and the substitute are found in sections 214 and 220.

Section 214 of the Senate bill (requiring a certificate of public convenience and necessity for construction, operation, or extension of lines) exempts from the requirements of the section lines within a single State unless such lines constitute part of an interstate line. The House amendment qualifies the words "interstate line" by the word "additional." The substitute adopts the Senate provision. The Senate bill also exempts local, branch, or terminal lines not exceeding 10 miles in length. The House amendment omits the 10-mile limitation. The substitute restores the limitation. The House amendment adds an exemption of wires or cables added to existing pole lines or conduits or other structures constituting established routes. In view of the provision in both the Senate bill and the House amendment, under which the Commission, upon request, may authorize the supplementing of existing facilities without regard to the provisions of section 214, the substitute omits the House provision. The House amendment also excepts lines acquired under section 221 (relating to consolidation of telephone companies). The substitute retains this provision.

Section 220 (j) of the Senate bill (relating to accounts and depreciation charges) authorizes the Commission to investigate and report to Congress upon the desirability of legislation authorizing the Commission to except the carriers of any particular class or classes in any State from the requirements of the section and permitting State commissions to prescribe their own percentage rates of depreciation and systems of accounts for carriers. The House amendment (sec. 220 (h)) specifically authorizes the Commission to except carriers of any particular class or classes in any State and provides (in sec. 220 (j)) that the section shall not limit the power of the State commissions to prescribe percentage rates of depreciation or to require the keeping of accounts. The substitute adopts the House provision as to exception of particular classes of carriers and a modified provision for investigation and report to Congress as to the need for defining or harmonizing Federal and State authority in respect of other matters to which the section relates.

The Senate bill abolishes the Federal Radio Commission and repeals the Radio Act of 1927, but in effect reenacts it in title III, eliminating certain matter no longer effective, and adding certain provisions, most of which are taken from H.R. 7716, Seventy-second Congress, which passed both Houses but was pocket vetoed. Title III of the House bill abolishes the Federal Radio Commission but transfers its functions under the Radio Act of 1927 to the new Commission. Title III of the substitute adopts the provisions of the Senate bill, except that most of the changes from existing law which were not contained in H.R. 7716 have been omitted.

The provisions of the Radio Act of 1927 relating to judicial review have been included in title IV, with certain changes, and those for taking over stations in time of war are in title VI, and so far as they change existing law will be explained below. The other differences between the substitute and the Radio Act of 1927, except where the changes are insubstantial or are for purposes of clarification or of elimination of temporary provisions which no longer serve any purpose, are listed below.

Sections 301, 302 (a), 304, 306, 309, 313, 314, 315, 317, 318, 319, 320, 321, 322, 323, 324, 325 (a), 326, 327, 328, and 329 are, respectively, substantially identical with the following sections of the Radio Act of 1927: 1, 2, 5, 8, 11, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 35, and 36.

Section 302 (a) follows closely section 2 of the Radio Act, Section 302 (b) follows H.R. 7716 in removing the Territories and possessions from the zones for which equality of broadcasting facilities is prescribed.

Section 303 combines sections 4 and 5 of the Radio Act with the additions hereafter noted. Section 303 (f) adds the requirement of a public hearing in cases involving changes in the frequency, authorized power, or times of operation of any station. This was contained in H.R. 7716. Section 303 (g) directs the Commission to study new uses for radio and to encourage the more effective use of radio in the public interest. Section 303 (q) requires the painting or illumination of radio towers which constitute a menace to air navigation. This was contained in H.R. 7716.

Section 305 is copied from section 6 of the Radio Act, except that the provision for taking over a station in time of war is transferred to section 606 (c).

Section 307 (a) and (b) through the first proviso are taken from section 9 of the Radio Act, as amended. The second proviso authorizing additional licenses for stations not exceeding 100 watts of power when they will not interfere with the efficient service of other licensed stations, was taken from H.R. 7716. This proviso is substituted for that in the Senate bill which would permit additional noninterfering stations regardless of power.

Section 307 (c) directs the Commission to study the proposal that Congress by statute allocate fixed percentages of broadcasting facilities to particular types of nonprofit programs or to persons identified with particular kinds of nonprofit activities.

Section 307 (d) follows part of section 9 of the Radio Act with the addition taken from H.R. 7716, that the Commission in granting an application for the renewal of a license shall be governed by the same considerations which affect the granting of original applications. The provision of the Senate bill which reduces the maximum terms of broadcasting licenses from 3 years to 1 year, and the maximum for other licenses from 5 years to 3 years, is not included.

The substitute bill agreed to in conference omits the paragraph of the Senate bill no. 307 (f), which carried a new provision requiring the Commission to distribute broadcasting licenses so that no one licensee or organization of licensees should exercise dominant control over the broadcasting facilities of any locality.

Section 308 follows section 10 of the Radio Act as proposed to be modified by H.R. 7716, which added the requirement that modifications and renewals of licenses may be granted only upon written application. This is the present practice of the Radio Commission. The two provisos in subsection (a) permit the Commission to issue temporary licenses for stations on vessels or aircraft in cases of emergency.

Section 310 (a), dealing with limitation on foreign holdings and transfer of licenses, is adapted from section 12 of the Radio Act as proposed to be modified by H.R. 7716, with additional limitations as to foreign ownership.

Section 12 of the Radio Act provides that radio station licenses may not be granted or transferred to any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock may be voted by aliens, their representatives, a foreign government, or a company organized under the laws of a foreign country. The Senate bill changes this provision by making the restriction apply also where one-fifth of the capital stock is owned of record by the designated persons and altering the words "may be voted" to "is voted." The substitute (sec. 310 (a) (4)) adopts the language of the Senate bill.

Section 12 of the Radio Act, restricting alien control of radio station licenses does not apply to holding companies.

The Senate bill, adapted from H.R. 7716, provides that such licenses might not be granted to or held by any corporation controlled by another corporation of which any officer or more than one-fourth of the directors are aliens or of which more than one-fourth of the capital stock is owned of record or voted, after June 1, 1935, by aliens, their representatives, a foreign government, or a corporation organized under the laws of a foreign country. The substitute (sec. 310 (a) (5)) adopts the Senate provision with an addition stating that the license may not be granted to or held by such a corporation if the Commission finds that the public interest will be served by the refusal or the revocation of such license.

Section 310 (b) is substantially section 12 of the Radio Act modified as proposed by H.R. 7716. The section relates to transfer of radio licenses. As in H.R. 7716 the authority to approve or disapprove such transfers is extended to cover transfer of stock control in a licensee corporation. The present law is also modified to require the Commission to secure full information before reaching decision on such transfers.

Section 311 is based upon section 13 of the Radio Act, modified to leave the Commission discretion in refusing licenses where the applicant has been adjudged by a court to be guilty of a violation of the antitrust laws but where the judgment has not extended to the revocation of existing licenses.

Section 312 (a) is based on section 14 of the Radio Act modified as proposed by H.R. 7716 to reduce from 30 to 15 days the period within which a licensee may take exception to the Commission's action in revoking his license. The Senate provision authorizing the Commission to suspend licenses is omitted from the substitute.

Section 312 (b) amplifies the Radio Act along the lines proposed by H.R. 7716 by providing for the modification of station licenses and construction permits in cases where the Commission finds such action in the public interest.

Section 315 on facilities for candidates for public office is the same as section 18 of the Radio Act. The Senate provisions, which would have modified and extended the present law, is not included in the substitute.

Section 316 provides that no person shall broadcast by means of any radio station any information concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance. This is not in the present law, but was included in H.R. 7716.

Section 325 (b) and (c) are designed to give the Commission control of all studios or apparatus in the United States used in connection with a broadcasting station in a foreign country for the purpose of furnishing programs to be transmitted back into the United States. The House Committee on Merchant Marine, Radio, and Fisheries has, during the present session, favorably reported a bill, S. 2660, containing provisions similar to these two paragraphs.

Section 326 prohibits censorship, and is the same as section 29 of the Radio Act.

The Senate bill—section 402—for the purposes of cases involving carriers, carries forward the existing method of review of orders of the Interstate Commerce Commission, and, in the main, for "radio" cases carries forward the existing method of review of orders of the Federal Radio Commission; but in "radio" cases involving affirmative orders of the Commission entered in proceedings initiated upon the Commission's own motion in revocation, modification, and suspension matters, review is to be by the method applicable in the case of orders of the Interstate Commerce Commission. The House provision contains a similar provision as to cases involving carriers, but leaves the present section 16 of the Radio Act of 1927, as amended, applicable in all radio cases. The substitute adopts the Senate provision.

Section 405 of the Senate bill, relating to rehearings by the Commission, contained a proviso limiting to 20 days the time within which applications for rehearing of radio cases under title III may be made and providing that such application may be made by any party or any person aggrieved or whose interests are adversely affected. The House amend-

ment omitted the proviso. The substitute adopts the provision of the Senate bill.

Section 410 (a) of the Senate bill provides for joint boards of members of commissions of States affected by or involved in a particular proceeding, to which the Commission may refer such proceedings. The House amendment omits this provision. It is retained in the substitute.

The House amendment contains a provision, similar to one contained in the Senate bill, transferring all appropriations and unexpended balances of appropriations available for expenditure by the Federal Radio Commission to the Federal Communications Commission. The substitute retains the House provision modified to insure that such appropriations and unexpended balances of appropriations will be available for expenditure by the Federal Communications Commission for any and all objects of expenditure authorized by the bill, in the discretion of the Commission and without regard to the requirement of apportionment of the Anti-Deficiency Act of February 27, 1906.

Section 606 (c) and (d) of the Senate bill authorizes the President in time of war or public peril to take over wire and radio offices and stations and to give just compensation therefor to persons entitled thereto. The House amendment omits these provisions. The substitute conforms to the House bill by adopting the present provisions of sections 6 and 7 of the Radio Act of 1927, as amended, which do not apply to wire communications.

The committee of conference recommends that the title of the bill read as follows: "An act to provide for the regulation of interstate and foreign communication by wire or radio, and for other purposes."

SAM RAYBURN,
CLARENCE LEA,
CARL E. MAPES,
CHAS. A. WOLVERTON,

Managers on the part of the House.

Mr. RAYBURN. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. BLAND].

Mr. BLAND. Mr. Speaker, it is not customary for me to ask for the rejection of a conference report, I do so very reluctantly on this occasion, particularly, as this report comes from a committee presided over by such a distinguished friend of mine as the gentleman from Texas; but I believe the situation that presents itself on this conference report is one that deserves serious consideration.

The Senate has undertaken to repeal the Radio Act of 1927, which was framed with the greatest care, most meticulous attention being given to every word and every expression that is contained in that act. They do the useless or futile thing, so far as radio is concerned, of repealing the law and then reenacting the same law.

Now, the question might arise, What difference does it make? It may make a most material difference in a new set-up.

Under the Radio Act of 1927 there have been handed down judicial decisions, there have been interpretations, and there has been a coordinating of radio. If we repeal this act, with a new set-up, without a study by the Communications Commission, there is no man on this floor who can tell what the effect of this repeal is.

In order to secure the continuance of this act you have to vote down this conference report.

Has the matter been considered by a committee of this House? I mean no reflection on the distinguished gentlemen of the Interstate and Foreign Commerce Committee, but they conceded themselves upon this floor 1 week ago that they knew nothing about radio, and they said that they believed the wise thing to do—and it was a wise judgment on their part—was to set up a communications commission which could study the law and find out just what ought to be done. They thought it wise then to continue the law as it is at the present time, simply transferring the powers and functions of the Radio Commission to the communications commission; but under the dulcet persuasion of the Senate committee, which is the only committee that has

considered this particular legislation, and surrendering to the charm which has been exercised by the distinguished Members of the Senate who are on that committee, our friends, who are usually so very persistent, found themselves writing into the law provisions that they, themselves, had conceded they knew nothing about.

I submit that in as delicate an art as the radio art, and with its effect upon the public and the public interests involved, the conference report ought to be rejected. The result would simply be that the committee would go back, these new provisions would be struck out, and the bill would be returned as it was written by the House. The bill then would set up the communications commission and permit the communications commission to study this most delicate art. That commission would report to what extent the Radio Act of 1927 should be amended.

I mean no reflection upon my friends on the Interstate and Foreign Commerce Committee.

They did not have the time to go to the bottom of this matter; they had most important matters to consider. Radio has always been in the Committee on Merchant Marine, Radio, and Fisheries, and, as I said some time ago, why should this one ewe lamb be taken away? Leave it where it can be studied by that committee; and, gentlemen, do not repeal an act that may materially affect your interests.

Mr. RAYBURN. I yield 5 minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Speaker, we have a situation where we are passing most important legislation on the say-so of the Senate which has never been considered by the House of Representatives. We have been called rubber stamps of the Government, but we have never passed 20 pages of a radio act, repealing the existing radio law on the recommendation of the Senate without a single Member of the House who knows anything about radio giving the slightest consideration to it. Why should we be errand boys for the Senate Committee on Commerce to wipe out the old Radio Act and enact a brandnew radio act, a very important measure, without the slightest consideration by any committee or any individual in the House of Representatives.

When this bill was introduced here there was not a change made in the radio law. It merely created a commission and vested the control and administration of the radio law in a communications commission instead of the Radio Commission.

At that time the question was raised whether the jurisdiction over that bill, the communications bill, belonged to the Radio Committee or the Interstate Commerce Committee. It was asserted and emphasized by the Chairman of the Committee on Interstate and Foreign Commerce that there was no change in the bill with respect to the substantive radio law, and that seemed to be the compelling reason why the bill was referred to the Committee on Interstate and Foreign Commerce rather than to the Committee on Merchant Marine, Radio, and Fisheries.

Now, the conferees have written into the bill at the behest of the Senate a radio law consisting of 20 pages—page 20 to page 38 in the conference report.

Why is the House asked to accept the Senate say-so in this radio legislation? Why should not the House in the preservation of its dignity send back the conference report and eliminate the substantive radio act; as my chairman from Virginia says, let the Communications Committee study the law and recommend changes in the law that are desirable to be made, and let the House committee having jurisdiction consider that question and report with respect thereto and, after debate on the floor, enact the law as the House in its dignity ought to do? [Applause.]

Mr. RAYBURN. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. McFADDEN].

Mr. McFADDEN. Mr. Speaker, this legislation comes as the result of a message by the President to the Congress. Simultaneously with the delivery of that message there was delivered to the Committee on Interstate and Foreign Commerce, of the House, and a similar committee of the Senate,

a draft of the particular legislation which was recommended in the message. The Interstate and Foreign Commerce Committee of the House had never had jurisdiction over the question of radio. The Merchant Marine, Radio, and Fisheries Committee had, and has grown up with the growth of radio in the United States. Under this direction in the message of the President, jurisdiction for the consideration of this message was transferred to the Interstate and Foreign Commerce Committee, who were engaged to the full limit in the consideration of other measures that were being forced through the House under great pressure—the securities bill, railroad legislation, and stock-exchange control legislation. It is only fair to say that which we all know, and the members of that committee know, that they did not have time to fairly consider this bill. Apparently it was not thought necessary that we should carefully consider it, because it was generally understood that this bill was going to be written and perfected in conference, which has been done; and notwithstanding the assurance of the chairman, Mr. RAYBURN, that was given to this House, that there was nothing in the House bill that affected the present radio law—and by that statement he was giving the House assurances that nothing in this bill was to change existing law—

Mr. RAYBURN. O Mr. Speaker, the gentleman does not undertake to say that I said there would not be anything in the conference report.

Mr. McFADDEN. No; I did not say that, but the gentleman was in close enough touch with this general situation to know in advance practically what was to be done in conference. So here we find ourselves in the predicament of considering one of the most important bills that could possibly come before this House, without any consideration on the part of the House, putting it through here in a few minutes. It is a fair example of what we may expect under the administration of this communications law, where we have consolidated all matters of communication in one commission. That applies to telephone and telegraph, radio, national and international, one of the most important parts of government. I say to the House that which I believe: That this bill was written, or at least the controlling and important part of it, in conformity with the wishes of the people who control this industry, and propose to control it as a monopoly, to control public sentiment in the United States, to control it now immediately for political purposes as part of the administration in control, and eventually use it as an international control for the dissemination of information leading toward the destruction of constitutional government in the United States. The passage of this bill is quite in harmony with the regulation that is taking place in Canada, with the regulations of communications that is taking place in Great Britain. It is all tied in together. We have as much of an international finger in this as we have in our financial affairs. I point out to the Membership of the House that this bill is being jammed through under the authority of the administration for these very purposes.

Mr. RAYBURN. Mr. Speaker, I did not intend to detain the House at all, but the gentleman from Pennsylvania [Mr. McFADDEN] as usual has his alarmer at work. In answer to his statement about this bill being put through under the spur of the administration, I remind him that the minority members of the Committee on Interstate and Foreign Commerce, who I think are as wise and patriotic as he or any other Member of the House, signed this report, and that the report is a unanimous report from that conference committee. Also, practically every change in the Radio Act made by this bill was passed in a bill through both the House and the Senate, which went to President Hoover and there met with a pocket veto. As far as jamming legislation through the House is concerned, I introduced a bill to create this commission in the early part of 1933, and the question has been up before the committee and the country ever since. This bill has been in the committee for several weeks. We took it up and had thorough hearings, we had thorough consideration of the bill that passed the House. The Senate and the House in a former Con-

gress considered title III of this bill, and we were assured by the Senate conferees that these amendments were practically every one contained in that bill.

Mr. LEHLBACH. Mr. Speaker, will the gentlemen yield?

Mr. RAYBURN. Yes.

Mr. LEHLBACH. The communications bill introduced by the gentleman or drafted by the gentleman in 1933, and the bill that was reported from the committee unanimously in this session of Congress, did not contain substantive radio legislation.

Mr. RAYBURN. No.

Mr. LEHLBACH. That is what we are complaining about. We are enacting a law dictated by the chairman which we have never considered.

Mr. RAYBURN. And we claim that this legislation has already been passed by both the House and the Senate.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. RAMSPECK].

Mr. RAMSPECK. Mr. Speaker, I join with my colleague from Virginia [Mr. BLAND] and my colleague from New Jersey [Mr. LEHLBACH] in opposition to this conference report. Every Member of this House, perhaps, has in his district a radio station or several of them. Millions of dollars have been invested in those plants, and we are proposing here in this conference report to wipe out the law under which those stations have been established, or to wipe out everything that has gone heretofore and reenact it under an act which we are asked to pass here in a few minutes and which we have had no opportunity to examine. No committee of the House which has given study or thought to radio legislation has had an opportunity to consider this matter.

It seems to me it is unwise, it is unjust to our people back home, to enact legislation of such far-reaching effect in this manner. Radio stations, under the best conditions, lead a very uncertain life. The Commission has authority to take them off of the air on very short notice. I do not think we ought to place in jeopardy the investments of our people back home by enacting legislation in this manner. I think if we are going to reenact the radio law, which I think is unnecessary, it ought to be considered by the committee of this House which has jurisdiction of it, upon which committee there are Members who have given years of study to that subject.

For that reason I expect to vote against the adoption of the conference report, and I hope it will be rejected. [Applause.]

The SPEAKER. The time of the gentleman from Georgia [Mr. RAMSPECK] has expired.

Mr. RAYBURN. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Speaker, I see nothing unusual in this situation. Of course there are always differences between the Senate and the House to be ironed out in every conference. Otherwise, there would be no occasion for the appointment of a conference committee. The Senate bill referred to the Committee on Interstate and Foreign Commerce, repealed, in effect, the existing radio law, and at the same time it reenacted all of the material provisions of that act.

Mr. BLAND. Will the gentleman yield?

Mr. MAPES. I yield.

Mr. BLAND. Has the House had an opportunity to consider what are the material provisions of that act that are repealed?

Mr. MAPES. Yes; it did when the bill was in the House. Instead of following the action of the Senate in that respect, the House did this: It left the existing law intact but established a new communications commission. It does not seem to me there was any great difference in principle in the action of the two bodies in that respect. The Senate specifically repealed the Radio Act, but reenacted it, or the pertinent part of it, in express terms. The House, instead of reenacting it, left it as it was and created this new commission.

Mr. BLOOM. Will the gentleman yield?

Mr. MAPES. I yield.

Mr. BLOOM. Does not this new bill give the right to radio companies to sell power? I see in two of these sections where it gives the radio company the right to sell and transmit power. Does the gentleman know whether the conferees ever took up that subject?

Mr. MAPES. To what language does the gentleman refer?

Mr. BLOOM. If the gentleman will turn to page 109-A.

Mr. MAPES. I should like to complete my general statement first. If the gentleman will withhold that question for a moment, I would appreciate it. I should like to complete my general statement, and then we can come back to his question.

Mr. BLOOM. I shall be pleased to do that.

Mr. MAPES. As I was saying there was not such a material difference between the action of the House and the Senate as some would be led to believe from the discussion this afternoon. In conference the Senate conferees accepted the House provision for a new commission, and the House conferees accepted the work of the Senate on this radio provision or made it the basis upon which an agreement was reached. There is nothing in this bill under the radio title of importance which has not been considered by the Committee on Merchant Marine, Radio, and Fisheries of the House of Representatives, and which has not passed both the House and Senate at different times.

Mr. LEHLBACH. Will the gentleman yield for a question right there?

Mr. MAPES. Just let me proceed a little further, if you please.

The whole matter is set up in the report of the conference on page 47, in the paragraph at about the middle of the page:

The Senate bill abolishes the Federal Radio Commission and repeals the Radio Act of 1927, but in effect reenacts it in title III, eliminating certain matter no longer effective and adding certain provisions, most of which are taken from H.R. 7716, Seventy-second Congress, which passed both Houses but was pocket vetoed. Title III of the House bill abolishes the Federal Radio Commission, but transfers its functions under the Radio Act of 1927 to the new commission. Title III of the substitute adopts the provisions of the Senate bill, except that most of the changes from existing law which were not contained in H.R. 7716 have been omitted.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. LEHLBACH. Will the gentleman give the gentleman another minute so that I may ask him a question?

Mr. RAYBURN. I yield the gentleman 1 additional minute.

Mr. LEHLBACH. Will the gentleman yield?

Mr. MAPES. I yield.

Mr. LEHLBACH. The statement which has just been read says it reenacts, in effect, leaving out certain matters that are no longer necessary and putting in some other general provisions. Has any Member of the House conference committee examined the old law and the new law that is proposed in order to ascertain just what differences there may be, and if they have not, has any other Member of the House who knows anything about it had that opportunity?

Mr. MAPES. Of course, the conferees went over every provision of this new matter and passed upon it, exercising their best judgment in regard to it. Our judgment may not have been as good as the judgment of the members of the Radio Committee would have been, but we were confronted with this legislation and had to exercise such judgment as we had.

Mr. LEHLBACH. How could reading a new bill give you any idea how it changed the old law that you did not know and had not read?

The SPEAKER. The time of the gentleman from Michigan [Mr. MAPES] has again expired.

Mr. RAYBURN. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Speaker, in some not distant Congress social legislation will hold first place on the calendar. I have hastily thrown together some thoughts on social legislation which reflect the experiences and obser-

vations of a good many years, the benefits of which, if any, I desire to pass on to Members of the House.

Congress lacks a social consciousness. Congress lacks a social consciousness because the country lacks it. The country lacks it because conditions did not call for it. Pioneering does not produce social consciousness.

Now the pioneer has passed from the picture. All frontiers have been taken. Development and exploitation of seemingly inexhaustible natural resources are at an end. The hard lessons of necessity, being ground in by permanently changed conditions, will inculcate a social consciousness. The day of every fellow for himself, the devil take the hindmost, is gone.

I was struck by the statement of British delegates to an American Federation of Labor convention at Cincinnati some 3 years ago, that England was 40 years ahead of the United States in social legislation. England was 40 years ahead of the United States in social legislation because it was 140 years ahead of it in the development of the conditions which make social legislation necessary.

Dubbing the rugged individualist a ragged individualist is more than a wisecrack. If I were a cartoonist, I have in mind some sketches of present-day rugged individualism. In industry the rugged individual is a man with cap in hand standing before a steel-barred gate on which is the sign "No Men Wanted." The rugged individual in agriculture may be expressed by a sheriff's sale in the barnyard. Rugged individualism in business shows the corner grocer being swept into the gutter by a chain-store janitor. The series might be completed by a birdseye view of the greatest armies in history—the armies of unemployment and relief.

The workers are clamoring for social legislation. They are clamoring for it because the great change struck them first. I have seen this movement grow. I remember when the locomotive engineer looked down upon the fireman at his side and the conductor upon the brakeman, and all of them upon the humble worker on the track, and all of these upon the miner as a man of another world, and all of these upon the underpaid, overworked white-collar man in the office and the store as a man who did not enter into their lives at all. I have seen all of this change. I have seen a growing solidarity, the development of a State of consciousness I hesitate to name, class consciousness. The rail workers no longer pick up their daily papers and note with indifference the troubles in the steel industry or the mining industry or that the garment workers or the clerks are having clashes in the struggle for economic existence. Each class has come to realize, has been made to realize, that the interest of each is the concern of all.

I remember when there was no demand for unemployment insurance and old-age pensions because there was no unemployment and no old age in industry. Now unemployment is chronic, wide-spread, and permanent, and a man at 45 is too old to get a job. Think of that, you comparatively young Members of Congress sitting here, you are too old to get a job. We have had that issue right here in Government, the throwing out of experienced workers in the prime of life to make place for boys and girls. Government is just as merciless as private industry. Only the fear of the ballot and political influence prevent it from just as ruthlessly discarding gray hair.

I had to get gray myself before I made a very important discovery. It was the discovery that there is only one kind of human nature in the world, that there is not one kind of human nature owning railroads and another kind operating them, that there is not one kind of human nature owning mines and another kind digging in them, that there is not one kind of human nature on Wall Street and another kind on Main Street. There is only one kind of human nature and it is a pretty ornery kind, a pretty selfish kind, a not too honest kind. There is an old saying that you cannot change human nature. It will do what is permitted it. You can only change systems. You can only make new rules of the game.

In America the time for change has come, the day of reckoning has come. Half the people live in want and the other half live in fear. There is no assurance for the morrow anywhere. If you lose your job, you are the crippled wolf in the pack. If your hair turns gray, you are one mouth too many at the table. Even if you are young and strong and willing, you must wait until another falls in the ranks and you can tear him from his place. It is a terrible picture, and it is called civilization.

The purely political-minded statesman is just as antiquated as the worker with gray hair. If it is too late for him to become social-minded, he must be replaced by the statesman who is social-minded. There is nothing spectacular about social legislation. It is lacking in the dramatic qualities of party politics and party issues. You are merely disturbed by the thought that it is here. You wish every man had a job at good wages, and that if he was thrown out of it he would get unemployment insurance, and that if he got too old to work at it he would be pensioned off. But you do not know what to do about it. So the days go by with the labor bills and the insurance bills and the pension bills lagging on the calendar, genuine disturbances to the congressional mind, but no action.

As sure as I stand here and utter these words, this social legislation will be first on the calendar. This has just been forecast in the greatest message which the President has thus far sent to Congress. Two short paragraphs in this great message stand out above all the utterances which have ever come from the White House bearing upon the social and economic lives of the people of this country. I quote them here:

Among our objectives I place the security of the men, women, and children of the Nation first.

This security for the individual and for the family concerns itself primarily with three factors: People want decent homes to live in; they want to locate them where they can engage in productive work; and they want some safeguard against misfortunes which cannot be wholly eliminated in this man-made world of ours.

The President promises a program now in preparation for presentation to the next Congress to start the Nation on the road to these great objectives. These objectives must be reached if our civilization is to be worthy of the name. If every deserving man and woman could be made secure against a sense of actual want, it would be an achievement exceeding the sum of all other achievements in government. Just the assurance that there was no poorhouse over the hill. Just the assurance that they would not some day be dependent upon the cold charity of the world. This is what social legislation means, and the statesman of tomorrow must be a man who has the mind to comprehend and the heart to execute this program.

Mr. RAYBURN. Mr. Speaker, I yield such time as he may desire to the gentleman from Iowa [Mr. WILLFORD].

Mr. WILLFORD. Mr. Speaker, as a member of the Committee on Merchant Marine, Radio, and Fisheries, I have listened while this bill has been both cussed and discussed over quite a period of time. We have listened attentively to the explanation of this bill by the chairman of this great committee, the gentleman from Virginia, Mr. BLAND; we have taken the consensus of opinion of the members of this committee and have arrived at the conclusion expressed in the House bill. I believe, however, that more time should be given to a thorough study and consideration of this subject. We had before the committee men who had spent their entire time since its discovery in the study of radio.

I recognize the fact of controversial theory of freedom of speech. However, I believe that a more general version should be given this meaning; and a right to give our views in speech on radio or in the press should be more liberal, as I believe is the right that we are all entitled to and a liberty guaranteed by our Constitution in amendment no. 1, passed during the first session of Congress, September 25, 1789. My attempt is not to make a judicial basis on which to judge freedom of speech, but I wish to apply it to our modern life, in which views, regardless of their nature, should

have the right to be brought before our people for their judgment and opinion. As a member of the House Radio Committee, this freedom of speech is a serious consideration. In a news periodical in which the Radio Commission intimated it was not unlawful to allow liquor advertisements to be put on the air but that if any of the stations did advertise liquor they would have difficulty in renewing their licenses, as radio stations must make application for a new one every 6 months—this, in my opinion, is unfair. The Commission, in my judgment, should either state it is unlawful for such advertising or it is lawful. I believe the individual station owners and their respective communities are much concerned over the morals of their people, and, as a matter of fact, it is the listeners and the public themselves that will primarily make the rule by which radio stations and press will follow. This happens to be just one example that has clearly struck me as not being fair. All of us, as individuals, are much concerned with the welfare of our own country and our own communities, but a small percent would attempt to bring before its listeners or readers anything with the intention of degrading our morals. I believe, however, there are subjects, regardless of nature, which should be reviewed by the people and their opinion expressed, as knowledge prevents disaster.

It is unfortunately true that the lack of knowledge on subjects leads us into despair and discouragement. We can guide ourselves only by facts and our collective opinions. The people of this country and of the world are privileged to listen to all problems by the wonderful systems of communications, radios, periodicals, and newspapers. The United States, especially, can proudly say that nearly every home in this country has either radio, newspapers, or magazines for their enjoyment and education. By this means of communication, problems of a nation can be quickly presented to them for their opinion and consideration. The press fortunately has enjoyed a broad freedom in which they can advocate or bring to the people their views in editorials and in columns, by various writers. I believe this same privilege should be extended to the radio stations of these United States without any political hatchet ready to sacrifice them if their principles are not pleasing. I do believe that regulation is necessary in all things. However, mere words written or spoken must be judged from several angles and especially from a point of view as to who makes these statements and for what purpose. The right of free speech and printed words can hardly exist without mechanical facilities, whether it is writing a letter, newspapers, publications, or radio. Therefore, I deem it necessary to liberalize the scope in which newspapers, magazines, and radio deal without political curtailment or foreign pressure brought to bear to print or broadcast the opinions expressed by individuals. It might be well to bear in mind the Virginia declaration made in 1786, which was several years before the first amendment to the Federal Constitution. The declaration was—

The State of Virginia had no right or authority over the opinion of any source and should not be involved in any manner or interfere until actual injury had resulted.

This significant amendment has a great bearing in favor of liberalized freedom of speech and press. And if you will recall when the Federalist Party was defeated and Thomas Jefferson became President of the United States he pardoned every man convicted under the alien and sedition law, as he believed that any person had a right to his own opinion and expression. It is my opinion that the radio and newspapers are two of the greatest mediums that the human race has ever had an opportunity of availing themselves of for an interchange of opinion and expression of thought. Therefore, the radio and press should be protected from any interference for our own welfare and education. Fortunately, the value of press and radio are as informatives of the Nation, as has been demonstrated by our President, Franklin D. Roosevelt, who has taken his problems, his plans for the present and future, before the people by personally talking over the radio and interviewing the

press reporters who give the American people the information as to the progress of our Government.

I do not personally believe there should be any rivalry between radio broadcasting and the newspapers of this country. They are both serving the people in their respective ways, and I truly believe that they themselves realize they can work hand in hand with a profit to themselves and a direct benefit to this Nation. As a member of the Radio Committee, I am vitally interested in the future of our radio broadcasts, and with this I have in mind the relationship of the newspapers of this country. These two cannot ever be replaced by any substitute. I do not for one moment uphold any unscrupulous broadcaster or newspaperman who deliberately, by direct intent, incites trouble or maliciously attacks a principle or person without foundation of facts; but the truth should never be suppressed, as by that we can best see our mistakes. With what little knowledge and experience I have had in the world I shall always be the defender of free speech of the radio and newspaper. I do not believe that the system of the Radio Commission of a 6-month license is adequate protection or encouraging to the present-day broadcaster. I believe these licenses should be issued for 3 to 5 years and should be inviolable except where charges of malicious intent or violation of such rules that are equitable in fairness of radio broadcasters is violated. I believe radio broadcasters should have the privilege of expressing their views editorially, as newspapers do, and they should not be suppressed by quiet threats or the impossibility of renewal of licenses or any other way that is used against an unfriendly or disliked broadcaster. I am positive in my statement when I say I do not believe that our Radio Commission is responsible for even intent upon this procedure. However, I believe their rules and regulations could be changed for better protection in the interest of radio. In my opinion, the suppression of radio broadcasters as has been used in the past is not fair and equitable. About 4 years ago the Radio Commission issued licenses for 90 days only, and then, on January 1, 1931, Congress allowed the Commission to issue licenses for a 3-year limit. However, the Radio Commission only raised their license limit from 90 days to 6 months, and then every broadcaster had to make application for a renewal. The sad part of this, in my estimation, is that there has been some unscrupulous dealings in the matter of applications, as it is the privilege of any station to make application for a frequency held by another station every 6 months, which would cause an expensive hearing and would cost the broadcaster whose license had been asked for from \$500 to \$2,000, and if someone with malicious intent and sufficient money should make application every 6 months to someone in the industry that he did not like, it would finally wear him out. This has been done, and I shall do everything I can do to correct this evil.

The radio broadcaster today must be extremely careful in his statements, he must be generous and diplomatic, because if he should say something that was distasteful to authority, he would be censured. He also must be careful not to express any pointed opinion of his own, as the public would quickly take it up, and radio, like no other field, is either praised or condemned instantly. The speaker must present his problem in a generous and even temper. He must present the problem and let the audience be the judge. The listening public will not tolerate continuous propaganda, and even sponsors of programs have found it advisable to be very brief and make simple statements regarding their products—yet they have found that the greatest results have been in these simple statements. There is no doubt, in my mind, that discrimination has taken place when opposite views were presented. This evil should be corrected and freedom of the air should be available to anyone. We must have, if you please, rules and regulations governing our methods and procedure. Let us not, however, put strict censorship on the press or radio. Let us be generous and restrict censorship so that freedom of opinion can be expressed without punishment. It is my purpose as a member of the Radio Committee to acquaint myself with as many facts as possible and

at all times work in the interest of our system of education by radio and newspaper.

Mr. BLOOM. Mr. Speaker, will the gentleman yield?

Mr. RAYBURN. I yield.

Mr. BLOOM. I wish someone would answer the question I asked the gentleman from Michigan with reference to the term "energy" as it is used throughout this bill, particularly on pages 109 and 111 where the specific language is carried—

Communication by wire, or radio, or in radio transmission of energy.

Now, is not energy power? And if energy be power, are owners of stations to be permitted to transmit power without further regulation?

Mr. RAYBURN. This is the definition used by people who know something about the business, and they say it must be in the act in order to make the act effective.

Mr. BLOOM. I have studied this question for 20 years; I know something about it.

Mr. RAYBURN. I shall be pleased to yield the gentleman some time if he wishes to explain it.

Mr. BLOOM. Mr. Speaker, I am not asking the gentleman to yield me time; I am asking only that the gentleman answer the question or have someone else answer it.

Mr. RAYBURN. There must be some energy or there could not be transmission of radio programs. Certainly it does not involve the question of the transmission of power as such.

Mr. BLOOM. I understand that; but the language specifically includes the transmission of energy, and energy is power. There is no getting away from that. Now, I do not object to transmitting power, but how is that power going to be regulated and sold, where is it to come from, and where is it to go?

Mr. RAYBURN. I do not think the gentleman need have any fear of this definition.

Mr. BLOOM. My question is prompted out of 20 years' experience with the subject.

Mr. RAYBURN. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, we have not been able to do it in this session, but I am hopeful that the next Congress will fairly and justly reallocate wave lengths, channels, and power so that broadcasting stations may be granted to and equitably distributed throughout the various districts of the United States. Due consideration must be given to each congressional district. Under the present system the big cities have gobbled up all of the important stations, wave lengths, channels, and power.

Mr. WILLFORD. I thought Dr. Brinkley had all the power.

Mr. BLANTON. He has more than 15 congressional districts in Texas all put together. But his station is just across the Rio Grande River in Mexico.

Mr. LEHLBACH. I am in sympathy with the gentleman. Will he yield for a question?

Mr. BLANTON. I yield to the gentleman from New Jersey.

Mr. LEHLBACH. Does not the gentleman realize that a revision of existing radio laws in the next Congress, desirable as it may be, will be precluded if we enact a new radio law by accepting this conference report?

Mr. BLANTON. Nothing will be precluded, and everything will be possible, if a majority of the Members of this House in the next Congress set their heads and concertedly work together, with a determined purpose to fairly and justly distribute and reallocate stations, wave lengths, channels, and power. All obstacles can be overcome, and anything they want done can be done by a determined majority.

KFYO MOVED FROM BRECKENRIDGE TO ABILENE

In an article criticizing the Radio Board, written by Arthur Sears Henning, dated May 11, 1934, he said:

KFYO, a Lubbock, Tex., broadcasting station, became involved in some unpleasantness with its radio audience. There was complaint of the character of its programs, emanating chiefly from

churchmen, it appears. An application for its facilities was made by interests desiring to establish a station at Abilene, Tex.

This application was about to be granted by the Commission when Congressman THOMAS L. BLANTON (Democrat), of Texas, intervened to save KFYO from being put off the air. BLANTON marshaled an array of Methodist and Baptist Church pastors to repudiate the complaints against KFYO. Mr. BLANTON asserted that the whole complaint when boiled down was that T. E. Kirksey, owner of KFYO, had permitted a singer to broadcast the Volga Boatman song.

Congressman BLANTON won out, and KFYO still is on the air. The Texas Congressman stated that he was representing Mr. Kirksey merely in the relationship of Congressman and constituent and without pay.

In his article Mr. Henning got woefully mixed up on his facts. KFYO first was located at Breckenridge, owned by T. E. Kirksey. He unfortunately made many enemies, and he was besieged from all sides in efforts to run him out of business. Being my constituent, I helped him procure the necessary permit, and he moved KFYO to Abilene. He continued to make enemies. He was harassed in and out of court. Civil suits were brought against him, some for money he did not owe. Criminal charges were preferred against him. My son, a practicing lawyer, represented Kirksey and KFYO as attorney in all their trials and tribulations, devoting much time and attention to Kirksey's legal business covering a period of several years. He has not yet received any pay. All he has to show for his hard work is an unpaid note and mortgage.

Attempt after attempt was made by several parties to take Kirksey's KFYO away from him. Charge after charge was preferred against him at Washington. On several occasions Kirksey was forced to come to Washington at great expense and bring witnesses with him to save his plant. I protected him because he was my constituent, and I could not escape the conclusion that he was being persecuted. I helped him produce sufficient evidence before the Radio Commission to convince them that the charges against him were unjust, and they refused to cancel his permit. On account of his enemies Mr. Kirksey was forced to move his KFYO station to Lubbock, which is not in my district, and it is now no longer my duty to look after him as my constituent, he now being in the Lubbock district. Two well-known Baptist ministers came all the way to Washington to testify for Kirksey, and to refute the charges made against him and his KFYO station.

ALL HONEST MEN HATE INJUSTICE

Some of the big monopoly-controlled radio stations persecute men in public life, whose actions they cannot control, just as monopoly-controlled newspapers persecute them. If it were not for the CONGRESSIONAL RECORD the big radio and the big press could ruin any man in Congress. They could misrepresent his every act. Were it not for the CONGRESSIONAL RECORD, the big press would defeat and put out of Congress every man it could not control, and you would then have a Congress of serfs, irresponsible in every way to the interests of the people.

MILLARD COPE AND HIS SWEETWATER REPORTER

In my speech on April 17, 1934, I called attention to the very unfair and malicious attacks Millard Cope carried in his Sweetwater Reporter against me. Cope is a mere hireling employed to edit and run the paper. It is owned by Houston Harte, of San Angelo, and his associates. Harte is a fine fellow, a good citizen, and a first-class newspaperman, but his time is taken up in running his San Angelo Standard, a reputable daily. He sent Cope to Sweetwater, depending on his running a creditable paper, fair and just to everybody. When Houston Harte becomes convinced that Cope is allowing personal prejudice and spleen to control him, and that it is bringing the Reporter into disrepute, he is going to require a change in policy.

COPE'S UTTER DISREGARD OF TRUTH

Sweetwater friends have sent me a copy of the Reporter for Sunday, May 20, 1934, and from Cope's unreliable editorial in it. I quote:

The same Congressmen who a few weeks ago voted successfully to raise their own salaries \$1,000 a year have now voted to cut down the taxes on their own incomes.

The Congressman from our own district voted for the measure, passed over the President's veto, under the title of a bill to restore

compensation to disabled veterans; massing selfish interest of increasing own salaries under the label of veterans' legislation.

If Millard Cope has one spark of manhood left in his breast, he will publicly apologize to me in his paper, for broadcasting the above malicious lies, after I produce the proof that both of his statements are unquestionably false.

PRESIDENT'S RIGHT-HAND BOWER

As Chairman of the great Ways and Means Committee, which handles all revenue matters, Hon. ROBERT L. DOUGHTON is the President's right-hand bower in the House on all taxation. I wrote him the following letter on June 6, 1934:

WASHINGTON, D.C., June 6, 1934.

Hon. ROBERT L. DOUGHTON, M.C.,
Chairman Ways and Means Committee,
House of Representatives.

DEAR BOB: As your position makes you in my judgment the real administration leader of President Roosevelt in this Congress, I would highly appreciate it if you would kindly give me a definite answer to the following questions:

(1) Is it not a fact that the law making a 15-percent cut in the salary of Government employees, including Congressmen, expires on July 1, 1934, and that it required a new act of Congress to prevent full restoration of all salaries on that date?

(2) Is it not a fact that by the passage of the independent offices appropriation bill, over the President's veto, Congress prevented the full restoration of salaries on July 1, 1934?

(3) Is it not a fact that had Congress not passed such act over the President's veto, the salaries of all Congressmen would be fully restored on July 1, 1934, and that by passing such act over the President's veto, we prevented our salaries from being fully restored on July 1, 1934?

(4) Is it not a fact that the new revenue act you recently passed reduces the income tax that all citizens in the United States with incomes up to \$20,000 pay? And that there was no discrimination made for or against any citizens in that class, but all were treated alike? Please answer the above categorically.

With kind regards, I am
Your friend,

THOMAS L. BLANTON.

The following day, he wrote me this reply:

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 7, 1934.

Hon. THOMAS L. BLANTON,
House of Representatives, Washington, D.C.
Washington, D.C.

DEAR TOM: I answer the questions asked in your letter of June 6 as follows:

(1) Yes.

(2) Yes.

(3) Yes.

(4) Yes; the income tax is slightly lower on net incomes not in excess of \$20,000, where the income is principally earned income or interest income. In the case of individuals having the greater part of their income from dividends and partially tax-exempt interest, the income tax is somewhat higher.

With my best wishes, I am
Yours very sincerely,

R. L. DOUGHTON.

In order that the answer may follow each question, and be better understood, I will now quote them in proper place:

BLANTON'S QUESTIONS AS ANSWERED BY CHAIRMAN DOUGHTON

Question 1. Is it not a fact that the law making a 15-percent cut in the salary of Government employees, including Congressmen, expires on July 1, 1934, and that it required a new act of Congress to prevent full restoration of all salaries on that date?

Answer 1. Yes.

Question 2. Is it not a fact that by the passage of the independent offices appropriation bill, over the President's veto, Congress prevented the full restoration of salaries on July 1, 1934?

Answer 2. Yes.

Question 3. Is it not a fact that had Congress not passed such act over the President's veto, the salaries of all Congressmen would be fully restored on July 1, 1934, and that by passing such act over the President's veto, we prevented our salaries from being fully restored on July 1, 1934?

Answer 3. Yes.

Question 4. Is it not a fact that the new revenue act you recently passed reduces the income tax that all citizens in the United States with incomes up to \$20,000 pay? And that there was no discrimination made for or against any citizen in that class, but all were treated alike? Please answer the above categorically.

Answer 4. Yes; the income tax is slightly lower on net incomes not in excess of \$20,000, where the income is principally earned income or interest income. In the case of individuals having the greater part of their income from dividends and partially tax-exempt interest, the income tax is somewhat higher.

PASSING BILL OVER VETO PREVENTED RESTORATION OF PAY CUTS

Every posted person in the United States knows that all cuts in Government salaries, both for Senators and Congressmen, as well as for the other 800,000 Government employees, expires by law July 1, 1934. To prevent the full salaries from being restored, it required a law to be passed by Congress before July 1, 1934, continuing the cuts that the President did not want restored. And, as stated by Chairman DOUGHTON, if Congress had not passed said bill over the President's veto, all salaries would be restored in full on July 1, 1934. Therefore, Millard Cope and his Sweetwater Reporter owe an apology for misrepresenting Congress.

The Washington Herald for Tuesday, October 17, 1933, carried the following front-page item:

BLANTON IS OPPOSED

Representative BLANTON, of Texas, declared his opposition to restoring full salaries. His reply follows:

"It is my belief that Government salaries have been entirely out of proportion to salaries received for like work in private positions.

"American citizens are tired of being taxed to pay Government employees \$3,000 to \$10,000 a year, some of whom until recently were granted 30 days' vacation on full pay, no work on Sundays, numerous holidays, and generous retirement pay."

The Washington papers and the CONGRESSIONAL RECORD from that day to the passage of said bill over the President's veto show that I maintained that same position in all debates and interviews, and by my vote on all issues.

By passing said bill over the President's veto we restored to the rolls 29,000 tubercular and insane veterans whose condition was undoubtedly the result of their service, and who would have been thrown upon charity had we not cared for them. And we also did justice to Spanish American veterans, their widows, and to our World War veterans, all of whom otherwise would have been done a grave injustice.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD and to incorporate therein some documents and excerpts I should like to include.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. KENNEY].

Mr. KENNEY. Mr. Speaker, this bill contains a section the provisions of which prohibit the broadcasting of the advertisement of any lottery or information regarding the drawing or awarding of any prizes of a lottery. I am in accord with this section of the bill because I believe that radio announcers should not be permitted to advertise the lotteries of other countries which already drain the United States of hundreds of millions of dollars, sent yearly by our citizens to other nations.

Yet this section of the bill presents a situation which may be regarded as an oddity. Indeed, while it may not give rise to a conflict of laws, it does, nevertheless, appear to result in an inconsistency of laws. The newspapers are large users of the radio. They broadcast their news over the radio not only every day but many times during each day. Under this bill they may not give information in reference to lotteries, and yet a bill was passed by the House the other day, sponsored by the gentleman from Michigan [Mr. MUSSELWHITE], which permits newspapers to announce in their columns the results of drawings and lotteries conducted by fraternal, benevolent, charitable, and similar organizations.

A noted Frenchman has said that the Americans are the most inconsistent people in the world. He said: "They take a little whisky to make it strong; a little water to make it weak; a little lemon to make it sour; a little sugar to make it sweet; then they say, 'Here's to you', and they drink it themselves."

We may be inconsistent, but we are true Americans, and as true Americans, I reiterate that sometime soon, we in this body shall pass my bill authorizing a national lottery. [Applause.]

Mr. RAYBURN. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER. The question is on the adoption of the conference report.

The question was taken; and on a division (demanded by Mr. RAMSPECK and Mr. LEHLBACH) there were—ayes 58, noes 40.

Mr. RAMSPECK. Mr. Speaker, I object to the vote on the ground there is not a quorum present, and I make the point of order that a quorum is not present.

Mr. MARTIN of Massachusetts. May I ask the majority leader if this is the last bill we are to take up today?

Mr. RAMSPECK. Mr. Speaker, I withdraw the point of no quorum.

So the conference report was agreed to.

A motion to reconsider was laid on the table.

FEDERAL STOCK EXCHANGE LEGISLATION

Mr. MILLIGAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. MILLIGAN. Mr. Speaker, the Congress has now acted with finality on the bill providing for the regulation of stock exchanges through a Federal agency to be set up for that purpose. As the bill has received the President's approval, it is appropriate and pertinent that a few remarks should be made with respect to the all-important basic principle involved in the legislation.

It is likely that the debate here and the discussions elsewhere as well have centered more largely on matters of detail than they have on the prime object which is sought by the legislation. This was natural, and it was necessary in a sense, for all of us here are human; otherwise this would not be a representative body. The result is that out of a great amount of hard work and considerable turmoil there emerges a measure that attains an unusual degree of perfection in form without sacrifice of principle.

There is a saying—perhaps trite, but true—that all legislation is the result of compromise; and we have discovered that often the essential paths of compromise are tortuous and difficult of understanding. If my experience of 13 years in the House of Representatives has brought me anything in the way of legislative or parliamentary wisdom, it goes naturally and quickly to the proposition that in the absence of the spirit of compromise our work here, that which we produce here, becomes faulty and futile and misses the spirit of democracy. The stock-exchange regulation bill exemplifies this point.

The bill has undergone many changes since it was first laid before the Interstate and Foreign Commerce Committee. But the changes, may I say, have been such as not to hamper legitimate business transactions. From the main purpose behind the legislation, there has been no swerving and no temporizing. It is a good bill. The country is to be congratulated. The committee, especially its accomplished chairman, the gentleman from Texas [Mr. RAYBURN], and the House are entitled to all the encomium which comes with the successful culmination of a very important public service.

It was inevitable that the Congress should take up and legislate upon the question of stock-exchange regulation at the present session. The imperativeness of this manifested itself with great clearness on March 4, 1933, when the President in his inaugural address declared that in America "there must be an end to speculation with other people's money." I have a vivid recollection of that moment. It was historic. The vast assemblage in front of the Capitol, quiet to the point of solemnity in its eagerness to miss not a single word of the impressive utterances of the new Chief Executive, suddenly burst into a roar of applause and acclaim that was carried to every nook and corner of the land. The incident was one of reassurance to a people on the ragged edge of despair; everywhere in the Nation there was

a renewal of courage; and there was a renewal, too, of faith in the Government at Washington.

The bill which just now has been approved finally by the two branches of Congress is a practical fulfillment of the promise made by Mr. Roosevelt that there must be an end to speculation with other people's money—an end to Wall Street gambling with the capital and credit of the country.

How many of us, I wonder, in the mass of detail, in the bombardment of an organized propaganda unprecedented in its magnitude and influence—how many of us lost at times the true perspective, the true significance of what it all was about?

Speculating with other people's money! Who were the "other people" in this respect? They were all the people of the Nation. For it is so obvious that it hardly requires mentioning that in the 1929 debacle in the New York stock market there was not a single person among our population whose fortunes were not adversely affected by what a comparative few were permitted to do with the capital and credit of the entire country.

In the Interstate and Foreign Commerce Committee we worked on this legislation for 9 weeks before it was brought to the floor of the House. We learned many things during those weeks. We learned, for instance, that the constantly increasing aggregate of demand loans, or loans to brokers trading in the stock market, had reached the monstrous total of more than \$7,500,000,000 during the months leading up to the crash in October 1929, which resulted in the economic structure of the country crumbling to the earth.

That is a large aggregation of wealth, whether represented by actual capital or by credit, or by both capital and credit. The entire issuance of money in the United States is but \$13,452,311,018, according to a Treasury Department statement of March 31, 1934, and of this amount only \$5,393,689,530, inclusive of amounts held in bank vaults of member banks of the Federal Reserve System, is in circulation. The amount actually in circulation, of course, is much less, probably being not more than \$3,000,000,000. Yet brokers were permitted to utilize as much as \$7,500,000,000 in credit based upon this circulation in their stock-market operations during the so-called "golden era" of the Coolidge and Hoover administrations.

But that is not all. If \$7,500,000,000 were actually loaned to brokers, at exorbitant rates of interest of course, how much more capital and credit were there being held in New York and elsewhere against possible further demands of the speculators, if their requirements and their powers of absorption and the wheels of fortune should give them opportunity to continue availing themselves of other people's money?

This question probably never will be satisfactorily answered. One thing we do know, however, is that the country was practically drained dry of its financial resources. The suction was so great, as I have indicated, that it took its toll from the pockets of every man, woman, and child in the country, no matter how high or low their station, and no matter whether they were conscious or not of the disaster which was being heaped upon them.

We know that the money was taken out of agriculture. We know that it was taken out of commerce. We know that it was taken out of industry. Upon the country was laid an economic waste. Generations yet to come will still be suffering before the wreckage can be entirely cleared away. We were told during the hearings that \$50,000,000,000 is a conservative estimate of the loss alone in the value of corporate securities.

We are approaching another of our biennial seasons of politics in the United States. A congressional campaign is near at hand. Already we are hearing the argument made by those who are opposed to the Democratic administration that what the country needs is a return to the halcyon days of 1921 to 1931—the reputed golden era. Well, perhaps there was prosperity of a kind during that period; but it was prosperity with tinsel trappings. It was built upon nothing that was substantial. Eventually it collapsed, as all things must collapse which are upon insecure foundations.

The late Paul Warburg was one of America's greatest financiers. His reputation as a far-seeing banker and patriot was world-wide. In 1928, while Mr. Coolidge was President and Mr. Hoover was Secretary of Commerce, Mr. Warburg solemnly warned the Government at Washington that the boom—"the prosperity", so called—was unsound and unsafe. About this time Senator GLASS, of Virginia, considered by many the ablest authority on finance in our public life, severely criticized the administration of the Federal Reserve Board, which he had helped to create, for its failure to take a hand in the situation and curb the flow of the financial strength of the country to the channels of Wall Street speculation. None of us will ever forget the statements repeated over and over again by our now Secretary of State, Cordell Hull, as a Member of the House and later as a Member of the Senate, to the effect that the foundations of the whole business were rotten. Mr. Hull was then and is now one of the most thorough student of economics in the public life of this or any other nation.

Those in control of our Government at that critical period paid no attention to these eminent authorities. Had they done so, the serious consequences of the cataclysmic crash of 1929 might have been in a measure averted.

After he had left the White House in 1929, Mr. Coolidge, in an article which he prepared for the Saturday Evening Post, said that toward the end of his administration, in 1927 and 1928, he had felt that the diversion of the financial strength of the country from the usual channels of business had reached an alarming stage. But President Coolidge did nothing about it. Mr. Hoover, as a member of the Coolidge Cabinet, must have shared in this feeling of alarm, but neither did he do anything to stem the tide before or after his induction into the Presidency on March 4, 1929.

Later on, however, Mr. Hoover, as President, did take cognizance of the situation. The crash, it will be recalled, occurred in October 1929. On December 2, 1930, more than a year afterward, the President transmitted his second annual message to the Congress in which he spoke of "a speculative period which diverted capital and energy into speculation rather than constructive enterprise" and said that "these particular dislocations have generally readjusted themselves."

In the early 1850's there was a Know-Nothing Political Party in this country, and it called itself by its right name; from 1921 to 1931 there was again a Know-Nothing Party, which was also a do-nothing party, and it called itself Republican.

Please get this: Addressing themselves to the identical proposition, Mr. Hoover said that "these particular dislocations have generally readjusted themselves" and did nothing; while Mr. Roosevelt, at the moment of his inaugural, declared in tones that penetrated to the far corners of the country, that "there must be an end to speculation with other people's money" and set himself and his administration and the Congress resolutely to the accomplishment of that purpose.

Only a few days ago Arthur M. Hyde, of my State, who was Mr. Hoover's Secretary of Agriculture, spoke before the Missouri Republican Club of Kansas City. It was a long speech, filled with many lamentations. Mr. Hyde resents very bitterly the action of the voters when, in 1932, they declared themselves for a new deal.

Starting his speech, Mr. Hyde remarked: "This is not a new era; it is only another depression." One hundred percent wrong on his first two statements of fact was Mr. Hyde. Two times at bat, two times struck out.

This is a new era, only Mr. Hyde does not recognize it yet. He is sour on the subject, like Jeremiah of old. Why fool yourself, Mr. Hyde? It is the beginning of a new era, but it is the same old depression—the one you should know a great deal about, for you were a member of the do-nothing administration that added to its momentum by taking the stand that "these particular dislocations have generally readjusted themselves."

Mr. Hyde set up quite a few straw men, which he fought furiously in his speech. Here is an example:

Is liberty safe—

He asked—

when \$3,000,000,000 deftly extracted from the savings of the people * * * is set up in the hands of an appointed official to be used, without accounting until after the next Presidential election, to speculate in the market for bonds and foreign exchange?

Of course, there is no situation or condition in the governmental operations at this time which would warrant an interrogation or statement so utterly assinine as that one. However, granting for sake of argument that the former Secretary of Agriculture has precariously hit a nail on the head, I submit that it would still be better to turn \$3,000,000,000 over to an official, a sworn representative of the people, for the purposes mentioned than it was to turn over practically the entire credit of the Nation to a group of Wall Street speculators to make merry with while the rest of the country was plunged into an economic abyss.

There are in the United States approximately 130,000,000 people. At the time the speculative orgy was at its height, there were only 1,300,000 separate trading accounts in the establishments of the broker-members of the New York Stock Exchange. Do you realize what that means? It means that 0.01 part of the population of the country was permitted to use at least \$7,500,000,000 of the capital and credit of the people of the United States for gambling purposes in the stock market.

I agree heartily with Mr. Hyde when he says that—

Any program which takes half of the value of the widow's insurance policy, of the worker's wage, of the small investments of the thrifty, is a dishonest program.

I agree with him when he says that. It is a pity he didn't think of it 5 or 6 or 7 years ago.

And I agree with him, too, when he says "there are only a few millionaires." If I recall the figure correctly, and I am sure I do, in the days of Coolidge and Hoover 15 percent of the country's population controlled 90 percent of the country's wealth, while 85 percent of the population controlled only 10 percent of the country's wealth. Truly it is a sad contemplation.

Let me paint a graphic picture of our country as it was turned over to the Democrats on March 4, 1933, a year and three months ago. I shall do this in the words of President Roosevelt, who in his inaugural address said:

Values have sunk to fantastic levels; taxes have risen; our ability to pay has fallen; government of all kinds is faced by serious curtailment of income; the means of exchange are frozen in the currents of trade; the withered leaves of industrial enterprise lie at every side; farmers find no markets for their produce; the savings of many years in thousands of families are gone. More important, a host of unemployed citizens face the grim problem of existence, and an equally great number toil with little return. Only a foolish optimist can deny the dark realities of the moment.

There is the picture truthfully portrayed as it existed a little more than a year ago. Mr. Hyde calls it "only another depression."

Mr. Roosevelt went on to say that—

The rulers of the exchange of mankind's goods have failed through their own stubbornness and their own incompetence, have admitted their failure and abdicated.

True, they have tried—

Continued the President—

but their efforts have been cast in the pattern of an outworn tradition * * *. They know only the rules of a generation of self-seekers * * * they have no vision, and when there is no vision the people perish.

It is unthinkable that a people would go back to the conditions which produced the situation described in the President's words. Yet that is what the Republican Party is asking them to do.

NECESSITY FOR THE ENACTMENT OF THE FRAZIER-LEMKE BILL

Mr. WHITE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. WHITE. Mr. Speaker, 145 Members of this House, conforming to the rules for discharging a committee from

further consideration of a bill and to bring the measure to the floor for consideration and passage, have signed the petition to bring in the Frazier-Lemke farm mortgage bill. This bill is the most important and constructive piece of legislation that has been introduced at this session of Congress. The legislatures of 24 States, half of the Union, have asked Congress to pass this legislation. As one of the signers of the petition to bring this bill before the House, I ask for its consideration.

Much legislation designed to relieve the depressed financial condition of the country has been passed by the House at this session. In the Public Works bill we have provided for outright grants of 30 percent to communities for the construction of Public Works projects. We have passed the law guaranteeing bank deposits, with all the uncertainty and risk connected with bank management. We have passed a law that permits banks to create—print—money by depositing Government bonds as security under this arrangement. This new bank money is loaned to the public at current rates of interest at the same time the bank is collecting interest on the deposited bonds. The Government is loaning its credit to the banks free. It is financing other industries, including railroads, steamship companies, and financial institutions, at rates of interest in many cases no higher than the rates proposed under this bill. These measures, we are told, are necessary in the recovery program which is designed to restore prosperity.

Let me point out to you, Mr. Speaker, that any permanent prosperity in this country must rest upon the prosperity of our basic industries. Price is the index to prosperity. Good prices bring good times for the farmers. Good times for the farmers bring good times for business and the country everywhere.

Our problem is to create and put a volume of money, cash, in circulation sufficient to the needs of business and as a means to raise the price of commodities above the cost of production and at the same time devise and put a plan into operation that will relieve the farmer of the impossible burden of mortgage under which he is struggling and waging a losing fight, seeing the homes and the accumulations of a lifetime swept away by bankruptcy in every community.

If our business structure and our institutions are to endure, relief from this impossible condition must come quickly. Mr. Speaker, this problem is met and can be solved by the passage of the Frazier-Lemke bill. Every farm organization in this country—including those of Idaho—the State and local granges, have petitioned Congress, and the petitions have been placed upon the Speaker's desk, for the passage of this legislation.

Let us take up this bill and give careful consideration to its provisions, amending it if necessary to make it practicable, feasible, and workable. Let us give the country this constructive piece of legislation, so that the farmers may be relieved of their desperate situation, their homes and farms safeguarded, and the prosperity of the country restored.

LIFE INSURANCE IN THE DISTRICT OF COLUMBIA

Mr. HARLAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9178) to regulate the business of life insurance in the District of Columbia.

The SPEAKER. The Chair cannot recognize the gentleman for that purpose. The Chair understood the gentleman had a unanimous-consent request to submit.

Mr. HARLAN. Mr. Speaker, I call up the bill (H.R. 9178) to regulate the business of life insurance in the District of Columbia and ask unanimous consent for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. ZIONCHECK and Mr. O'MALLEY objected.

INLAND WATERWAYS CORPORATION ACT

Mr. WHITE. Mr. Speaker, I call up the bill S. 2347, to amend the Inland Waterways Corporation Act, and ask

unanimous consent that it may be immediately considered by the House.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

Mr. ZIONCHECK. Mr. Speaker, I object to the unanimous-consent request.

Mr. BANKHEAD. Was there an objection to the request of the gentleman from Idaho [Mr. WHITE]?

Mr. ZIONCHECK. Yes; I objected.

Mr. BANKHEAD. Will the gentleman withhold his objection?

Mr. ZIONCHECK. Yes; I reserve the right to object.

Mr. BANKHEAD. Mr. Speaker, there are rather distressing circumstances in connection with the request of the gentleman from Idaho.

Mr. ZIONCHECK. I know the circumstances.

Mr. BANKHEAD. This is a bill for the consideration of which the Committee on Rules has granted a rule. It is a very short bill, and the matter can be disposed of in a few minutes. The gentleman from Idaho [Mr. WHITE] has been waiting day after day to have the rule called up. The House knows of the unfortunate and tragic death of his colleague Mr. Coffin. The gentleman from Idaho [Mr. WHITE] will be appointed on the committee to attend the funeral, which will probably necessitate his absence for the remainder of the session. I hope under the circumstances no objection will be made. This is a very minor matter and we can dispose of it in a few minutes.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

Mr. O'MALLEY. Mr. Speaker, reserving the right to object, is this the inland-waterways bill?

Mr. BANKHEAD. Yes.

Mr. ZIONCHECK. It covers the issuance of a certificate of convenience and necessity.

Mr. O'MALLEY. This is a bill which was on the Consent Calendar, and I objected to it about a month and a half ago.

Mr. ZIONCHECK. Yes.

Mr. O'MALLEY. Mr. Speaker, I reserve my objection so that the gentleman may explain the bill.

Mr. ZIONCHECK. Mr. Speaker, I also reserve my objection for the same purpose.

Mr. WHITE. Mr. Speaker, what is proposed to be done by this bill is to amend the Inland Waterways Corporation Act by simply adding two words. After the word "warrior" we add the words "Columbia" and "Snake." This will include the Columbia and Snake Rivers within the provisions of the act, which will permit the Interstate Commerce Commission to grant joint rail and water rates to apply to navigation upon the Columbia and Snake Rivers.

These rates will benefit the shippers and communities of the large country tributary to this great river system of the Northwest, particularly the people of Idaho, Washington, and Oregon, where much of the freight tonnage destined for joint water and rail shipment will originate.

The Columbia and its tributary, the Snake River, constitute the third greatest waterway in the United States. Navigation upon these rivers dates back to 1861, during the gold rush to Idaho. Improvements began at tidewater many years ago. Later, when the country tributary to these rivers became settled and the wonderfully fertile farms began to produce an abundance of wheat, steamboats were placed on the river to handle this business. Soon the needs of this transportation and the improvement of the river was recognized. As a result, canals and locks were built by the Government at Cascade and Celilo Falls. Steamboats now navigate the river as far as Lewiston, Idaho.

Water transportation on this great river system is only in its infancy. More than 6,000 grain growers of the interior Northwest are in need of cheap and economical water transportation to tidewater markets. They realize that unless they are supplied with cheaper freight transportation rates to place their products at shipside, they cannot continue to produce. When we consider that normally 60 per-

cent of the grain production of the Pacific Northwest must move to export to find a market, it is easy to understand how vital it is that our grain growers have a reasonable charge for moving their product to shipside.

Besides the product of the immense farming territory already developed, tributary to this river system, we have the timber and mining resources of one of the greatest undeveloped areas of the United States comprised in Idaho and eastern Washington and Oregon. On both sides of the Snake River is located what is considered one of the richest mineral districts of the North American continent. Because of inadequate transportation facilities and excessive freight charges this area is largely dormant until our rivers can handle this traffic to tidewater cheaply.

In this area there are known deposits of cinnabar, antimony, iron ore, arsenic, tungsten, vanadium, beryllium, tin, coal, phosphate rock, gypsum, parite salt, talc, sulphur, alum, copper ore, lead, zinc, gold, and silver, all awaiting development and low-cost transportation.

In timber resources alone we have in the Government-owned national forest, tributary to the lower Snake River, 34,033,476,000 feet of merchantable grades of timber, other than white pine, that has no market value because of prohibitive cost of transporting this timber to market. There is also standing on the Clearwater and Selway National Forest 1,458,000,000 feet of white-pine timber and 2,024,521 cedar poles, also Federal owned. In addition to this, there is eighteen and one-half billion feet of State and privately owned timber of the same specie and on the same watershed, all making a grand total of 55,000,000,000 feet of timber. Without considering future growth, this great reserve of timber will supply 1,500,000 tons of traffic annually for the next 50 years. The existing all-rail rate on lumber to eastern markets from this area is 87 cents a hundred pounds, about \$20 per thousand feet. The rate by all-water route would be about \$10.50.

The excessive charge which our producers and shippers are forced to pay to reach market with their products is only a part of the problem. These excessive freight rates tend to dam back and restrict the free movement of commerce. In the eastern part of the United States, where a very large and ever-increasing volume of traffic is moving over joint rail-water and rail-water-rail routes, worth-while savings are passed on to shippers far removed from water carriers. The importance of this proposed development is not to divert traffic from rail lines—traffic which they are now moving—but to move the timber, lime rock, granite, clays, and minerals and other dormant resources that cannot be processed and marketed profitably with existing transportation and facilities and charges.

As early as 1920 Congress recognized the necessity of coordinating rail-water and other mediums of transportation.

In the Transportation Act of 1920 they established a definite policy "to foster and preserve in full vigor both rail and water transportation." At the same time they set up machinery to bring about closer cooperation and coordination of rail and water carriers.

In 1928 the Dennison Act was passed. This was a long forward step in forcing coordination of rail and water movement of our national internal commerce. This has resulted in the establishment of many joint rail-water and rail-water-rail routes in the eastern part of the United States and a very large freight over these routes.

It has been amply demonstrated that waterways are the only competing medium which return more revenue to the railroads than it takes away from them by furnishing a medium by which raw material may be collected cheaply. Waterways develop a large demand for transport of high-tariff freight which the railroads handle. We need coordination of rail and water carriers. The building up of the great New York Central Railway system, between New York City and Chicago, which has always been subject to the closest possible competition from water carriers on the Hudson River-Erie Canal-Great Lakes, is a striking example that waterways do not hurt the railroads. Many other similar examples could be cited.

Mr. McDUFFIE. Mr. Speaker, will the gentleman yield?

Mr. WHITE. Yes.

Mr. McDUFFIE. I am wondering if there is any commerce now on the Snake River.

Mr. WHITE. In certain stages of water the boats ply between Lewiston and on out to Portland.

Mr. McDUFFIE. How many miles is that?

Mr. WHITE. One hundred and fifty miles or more.

Mr. McDUFFIE. That is a seasonal movement entirely, is it not?

Mr. WHITE. On part of the river, but on the lower part of the river it is open to navigation at all times.

Mr. McDUFFIE. For how many miles?

Mr. WHITE. For over 100 miles. The Celilo Canal has been built by the Government to accommodate water transportation on that river at a cost of several million dollars.

Mr. ZIONCHECK. The lower part of the river is more than 100 miles.

Mr. WHITE. My understanding from the records I have consulted is that the Celilo Canal is a little more than 100 miles from Portland up the river.

Mr. McDUFFIE. Is there navigation above that canal?

Mr. WHITE. There is navigation all the way up to Lewiston, Idaho.

Mr. McDUFFIE. I have not read the bill, and the question I wanted to ask the gentleman is this: This legislation is simply permissive, is it not?

Mr. WHITE. Permissive, and does not do a thing but broaden the Waterways Act to include these two rivers. We do not change the law otherwise.

Mr. McDUFFIE. But it costs a lot of money to provide equipment to operate on these rivers, and I am wondering where the money is coming from in order to provide the equipment necessary for the Government to extend its activities on these rivers.

Mr. WHITE. We are not putting the Government into the business at all. This is a rate-making proposition, and is intended to improve the status of these rivers.

Mr. McDUFFIE. The Government is already in the business, for that matter, on the Mississippi and Warrior Rivers.

Mr. WHITE. Yes.

Mr. McDUFFIE. The Government has spent vast sums of money in providing its own equipment to operate on those rivers, and I am wondering where the equipment is coming from and whether or not this legislation proposes that the Government buy equipment to operate boats on these two rivers.

Mr. WHITE. Not at all.

Mr. MARTIN of Oregon. It does not do that. Great improvements are now being made on the Columbia River at the Bonneville Dam.

Mr. McDUFFIE. But you cannot have any commerce until you have these improvements.

Mr. MARTIN of Oregon. This bill is simply permissive. Right now, for 50 miles above the Celilo Canal, there are enormous quantities of wheat being shipped out by boats to the elevators in Portland.

Mr. ZIONCHECK. Does the gentleman object to that?

Mr. MARTIN of Oregon. That is what we are in favor of. We want to reduce the cost on the shipment of every bushel of wheat in the inland empire of Washington, Oregon, and Idaho by reducing freight rates.

Mr. McDUFFIE. If the gentleman will yield just a moment, as I understand, you cannot obtain joint water and rail rates without having the Government put its boats on this river. Is that the point?

Mr. MARTIN of Oregon. No; not at all. We do not want a cent of appropriation. We simply want permission, if conditions justify it, or when they do justify it, so that if the Inland Waterways Corporation wants to go on this river, just as it did on the Warrior River, it may do so. This is simply permissive and there is no compulsion in the matter.

Mr. ZIONCHECK. A certificate of convenience and necessity will be required to operate on the river under this act.

Mr. MARTIN of Oregon. It will require that.

Mr. ZIONCHECK. In order that no one else may operate on the river, they would have to show a public necessity, just as they do upon roads for stage lines and things of that nature.

Mr. MARTIN of Oregon. Yes.

Mr. ZIONCHECK. Would it be for the benefit of the farmers if there were not ample competition between the boat companies or the barge lines?

Mr. MARTIN of Oregon. There will be that competition.

Mr. ZIONCHECK. I do not see that in the bill, and the practice has not shown it.

Mr. MARTIN of Oregon. I think the bill does show it.

Mr. O'MALLEY. Mr. Speaker, will the gentleman from Idaho yield?

Mr. WHITE. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. This bill was up for consideration when we were considering the Consent Calendar and I objected to it.

Mr. MARTIN of Oregon. You did not understand it.

Mr. O'MALLEY. The gentleman from Idaho has the floor.

This provides for a certificate of convenience which is an absolute monopoly, as it has worked out before with the Inland Waterways Corporation, for shipping on this river; and is not the object of this bill not to get the Inland Waterways Corporation to operate on the river but to provide the people in that section with an excuse for coming to the Government to get the Government to develop this river?

The regular order was demanded.

Mr. ZIONCHECK. Mr. Speaker, I object.

TO REGULATE THE BUSINESS OF LIFE INSURANCE IN THE DISTRICT OF COLUMBIA

Mr. HARLAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H.R. 9178) to regulate the business of life insurance in the District of Columbia.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object.

Mr. HARLAN. Mr. Speaker, I will say to the gentleman that the only thing there is in this bill is to give to the people of the District of Columbia the protection, with the same laws that they have in New York, Ohio, New Jersey—

Mr. MARTIN of Massachusetts. Will the gentleman yield?

Mr. HARLAN. I yield.

Mr. MARTIN of Massachusetts. I want to say to the gentleman that this bill consists of 133 pages, and I am not going to let it go through at this late hour of the day. I object.

ONE YEAR OF AGRICULTURAL ADJUSTMENT ADMINISTRATION

Mr. ARNOLD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address by the Speaker of the House on June 9, 1934, over the National Broadcasting hook-up on the Farm and Home hour.

The SPEAKER. Without objection, it is so ordered.

Mr. ARNOLD. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following radio address of Hon. HENRY T. RAINEY, Speaker of the House of Representatives, on June 9, 1934:

Fortunately for the country we have had 1 year of the Agricultural Adjustment Administration. On the 4th day of March in 1933 farm conditions were proceeding rapidly toward chaos. Farmers were losing their farms. All the way from Pennsylvania to Utah an agrarian revolution was in progress. Wherever sheriffs' sales were advertised, or sales under foreclosure, or chattel-mortgage sales, grim-faced farmers assembled and said, "No man will buy here today", and usually these statements were effective. We were proceeding rapidly toward chaos.

The perpetuity of a republic depends, first of all, upon the approval of the people who live on the land, and the approval of this class of the population is of prime importance.

In the restoration of agriculture to its proper position we have been compelled to resort to new and unusual and drastic remedies for the reason that the situation was new and unusual and required the application of remedies of this character. The program has just now commenced to work.

In all the cotton-growing States there is marked improvement. In all the tobacco sections there is marked improvement, and in those States which are fortunate enough today to be both cotton- and tobacco-producing States people have commenced to forget the depression and to look forward with renewed confidence and hope.

In the corn-hog States payments to corn-hog farmers who have adjusted their production are now commencing and will proceed with rapidity, and we can soon expect, also, a marked improvement in the corn-hog States. The unprecedented drought has been broken, and out in the drought sections farmers look forward with greater hope than they had a few days ago.

Rental and benefit payments to cotton and tobacco producers and corn and hog producers now total over \$19,000,000. Six hundred and twenty thousand contracts from cotton growers have been received and are recorded, and of this large number over 211,000 have been approved and released for disbursement. The distribution of checks for cotton contracts has proceeded rapidly in Alabama, Arkansas, Arizona, California, Florida, Georgia, Kentucky, and in all the cotton States, totaling, up until the present time, over \$9,000,000. Checks have been written for over 18,000 cotton producers, and the distribution proceeds now rapidly.

Growers of tobacco in the tobacco States are now receiving their checks which will amount on the 91,000 contracts now completed to over \$7,000,000.

Already over 13,000 checks, representing a total of over \$2,000,000, have gone out to contracting corn and hog producers in Iowa, Michigan, and Minnesota, and in the other corn-hog States a distribution will soon commence. There has already been a partial release of corn upon which 45 cents per bushel has been loaned, and this policy has had the effect of insuring for the corn farmers a proper price for the corn they produced last year.

In the drought-stricken areas a purchase of surplus cattle by the Agricultural Adjustment Administration has already been started, and 134 counties in 4 States have been named as being in the emergency area and additions to this area will be made as rapidly as necessary. The condition of the drought-stricken areas of the country would have been desperate indeed without the Agricultural Adjustment Administration program.

The drought has given for wheat producers a new meaning to the cash payments made by the Agricultural Adjustment Administration. These payments were primarily intended as a reward to farmers who voluntarily reduced their wheat acreage. They are now serving throughout the drought stricken areas as a crop insurance. Fortunately, payments are made on the basis of past averages of production, and those farmers who have signed contracts with the Government will receive the amounts due them under their contracts even though their crops are absolutely destroyed. This feature of the recovery program has been given outstanding importance. As Mr. Davis, the Administrator of the Agricultural Adjustment Administration, stated, and I quote from his statement, "the feature of the Agricultural Adjustment Administration as applied to farmers in the drought stricken areas has given them a hitherto unattainable degree of protection from misfortune on a higher and juster plane than that of charity."

Under our program we are taking out of cultivation rapidly marginal farm land in order to better balance production and demand, but the primary purpose as defined in the act itself is to restore the pre-war parity of 1909-14, between the goods the farmer is compelled to buy and the prices he receives for his commodities, and already we are approaching that much-desired goal. Prices of industrial goods affected by the National Recovery Administration have moved forward more rapidly than farm prices have moved forward, but with the present acreage-reduction program in operation and with the other relief measures in operation which have already been started, farm prices ought to move forward more rapidly than they have in the past.

The farmers of the country have been patient and patriotic. The condition which confronts farmers today requires an exercise of real patriotism. The fight against depression is difficult indeed. The battles in which we are engaged now are more important even than the battles of the World War and they are harder to fight.

There are no khaki-clad soldiers marching now, no bands playing. Flags are not flying as they were during war times, and this makes the present warfare against depression more difficult than a war which can be fought out on battlefields. We have won our wars always. The war against the depression which has been prevailing for years we will win also, and the farmers are contributing and will continue to contribute their full share.

In all the corn-hog States the payment of the premiums made possible by the processing taxes will soon commence. The increased prices the corn-hog signers get in the open market represent a part only of the total income which they will receive from their 1934 hog production. If the market price of a hog that will weigh 225 pounds should be around \$10 a head when a contract signer disposes of his spring pigs, this will represent only about two-thirds of his actual gross returns. By February he will have received \$5 a head in additional returns, less the local administrative costs. The benefit payments he receives under the adjustment plan are just as real as if it were all paid out directly to the farmer at the time of sale and expressed in a higher price for his hogs as the Agricultural Extension Service of the University of Illinois makes plain.

The processing tax produces the funds for the benefit payments. The Illinois University Agricultural Extension Service, in the

studies it has made, points out that the processing tax which has been in effect since November 5 has had the result that the packers in Chicago have actually paid from \$1.06 to \$2.83 per hundredweight more from week to week from November 5, 1933, to April 21, 1934, than was paid during the corresponding weeks of 1932-33. When the processing tax was being gradually stepped up from 50 cents to \$2.25 per hundredweight during the winter a more moderate increase was registered than for the corresponding weeks a year earlier.

The extension service of the University of Illinois has rendered most valuable service. In this connection they say, "Farmers, however, should not conclude from these facts that the price of hogs today would be higher by the amount of the tax, if no tax had been levied. On the contrary, the sum of the open-market price of hogs, plus the tax now, undoubtedly exceeds substantially what the open-market price of hogs would have been had no tax been levied."

We are face to face, however, with the fact that in levying processing taxes upon hogs we are up against the Chicago packers, a conscienceless trust, and held to be that kind of an organization by the Supreme Court of the United States. They now have in operation a direct-marketing plan which enables them to fix the price of hogs. They are operating now on a cost plus basis and are making money while the farmers are selling their hogs at less than cost. The reimbursements the contract hog-corn farmers will soon receive will overcome their losses, but that amount added to the cash price they are receiving will not equal the amount they ought to have received. Thousands of farmers have signed contracts agreeing to refrain from direct marketing.

At some future time, when I have the opportunity, I may go on the radio to discuss direct marketing. There can be no permanent recovery of hog prices until direct marketing is abolished or substantially modified. We are trying to get through Congress now market propositions which will give to the Secretary of Agriculture more power than he now possesses to regulate and control direct marketing. It will add to the powers he now has the injunction power which is important indeed.

This bill is being held up by the cattlemen who do not really market direct, but who hope to do it in the future. Whenever they commence to market direct to the extent that hog farmers are marketing direct they will find, I predict, that it will not work, but that is really too long to wait. I am hoping that in the days immediately ahead of us we will get more assistance from the Department of Agriculture than we have been getting in forcing through the Congress of the United States these direct marketing regulations.

THE TARIFF BILL

We have just passed through Congress a nonpartisan tariff bill, a bill which provides for lowering of tariffs by reciprocal arrangements, in order to again restore international trade and give back to farmers a part of the markets they have lost for wheat and for pork products. This plan has been considered for a long time. It was first suggested by a Republican President. It is being put in operation now during the administration of a Democratic President.

During the three administrations preceding the present administration our tariffs were unconsciously increased. We expected to continue selling farm products and manufactured products abroad, while we refused to accept in return the products of other countries. Practically all American economists warned against these policies. The nations of Europe protested most vigorously and called our attention to the fact that they could pay for our products only by sending us in exchange their own products. We ignored the warning.

As a result retaliatory tariffs were established against us. This country, mechanized as no other country ever was mechanized before, was compelled to transfer a part of its capital to other countries and to build their branch plants and manufacture in other countries, using their raw material and their labor, the goods we had been manufacturing here in mass production, using our own labor and our own raw material, and the flight of American capital still continues. Tariffs of other countries have been raised until they are now higher than ours, and the first effect of these policies was to exclude from foreign markets the products of our farms.

Foreign trade has practically vanished from the seas. We always produced enormous farm surpluses which we were compelled to market abroad. That market has now been destroyed. It will be difficult indeed to restore it, even in part, but under this bill which has now passed we propose to attempt to restore it, and we hope that some success will accompany our efforts.

In the meanwhile, we must content ourselves with being a smaller America. For a time we must produce less on our farms, and we are now taking land out of cultivation. During the World War we increased our cultivated acreage by forty or fifty million acres. We are now planning to take that much out of cultivation by methods which are now in operation. For a time we must produce principally for ourselves. It is much more difficult by tariff adjustments to build up a lost market than it is by tariff increases to destroy it.

The benefit payments which are being made now to farmers, and will be made in increasing amounts, are not charged against the Treasury of the United States. They are financed by processing taxes. Already the increased buying power of producers of farm products has had a splendid result and is reflected in industrial recovery throughout the country.

We have started in the right direction. A splendid beginning has been made. The program has commenced to work out. Already 3,000,000 farmers have joined production-control associations

and as a voluntary experiment this action of the farmers is historic and dramatic. There is nothing in history which will compare with the planned farm production now started. A patriotic cooperation on the part of farmers will bring about the anticipated results. Failure to cooperate and the defeat of the present plans would take us back to where we were on the 4th day of March 1933 and this must not happen.

LEAVE OF ABSENCE

By unanimous consent, the following leave of absence was granted:

To Mr. DEEN, for an indefinite period, on account of illness in family.

To Mr. DURGAN of Indiana, for June 11, 12, and 13, on account of urgent business.

To Mr. FULLER, for today, on account of illness in family.

To Mr. McKEOWN, for 10 days, on account of important business.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 74. An act to authorize payment of expenses of formulating claims of the Kiowa, Comanche, and Apache Indians of Oklahoma against the United States, and for other purposes;

S. 870. An act for the relief of L. R. Smith;

S. 1173. An act for the relief of Gladding, McBean & Co.;

S. 2130. An act to authorize an appropriation for the purchase of land in Wyoming for use as rifle ranges for the Army of the United States;

S. 2674. An act to amend an act entitled "An act to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes", approved May 12, 1933;

S. 2898. An act conferring jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on certain claims of George A. Carden and Anderson T. Herd against the United States;

S. 3040. An act to give the Supreme Court of the United States authority to make and publish rules in actions at law;

S. 3237. An act to repeal certain provisions of the act of March 4, 1933, and to reenact sections 4 and 5 of the act of March 2, 1929;

S. 3502. An act authorizing the Oregon-Washington Bridge board of trustees to construct, maintain, and operate a toll bridge across the Columbia River at Astoria, Clatsop County, Oreg.;

S. 3521. An act to facilitate purchases of forest lands under the act approved March 1, 1911;

S. 3615. An act authorizing the county of Wahkiakum, a legal political subdivision of the State of Washington, to construct, maintain, and operate a bridge and approaches thereto across the Columbia River between Puget Island and the mainland, Cathlamet, State of Washington; and

S.J.Res. 100. Joint resolution authorizing suitable memorials in honor of James Wilson and Seaman A. Knapp.

JOINT RESOLUTION AND BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on the following dates present to the President for his approval a joint resolution and bills of the House of the following titles:

On June 8, 1934:

H.J.Res. 340. Joint resolution to harmonize the treaties and statutes of the United States with reference to American Samoa;

H.R. 311. An act for the relief of Martin Henry Waterman, deceased;

H.R. 1405. An act for the relief of the Yosemite Lumber Co.;

H.R. 2035. An act for the relief of Jennie Bruce Gallahan;

H.R. 2287. An act for the relief of Warren Burke;

H.R. 2692. An act for the relief of Lula A. Densmore;

H.R. 2748. An act for the relief of A. C. Francis;

H.R. 2749. An act for the relief of E. B. Rose;
 H.R. 3167. An act for the relief of Sue Hall Erwin;
 H.R. 3353. An act to provide a preliminary examination of Stillaguamish River and its tributaries in the State of Washington with a view to the control of its floods;
 H.R. 3354. An act to provide a preliminary examination of Snohomish River and its tributaries in the State of Washington with a view to the control of its floods;
 H.R. 3362. An act to provide a preliminary examination of the Nooksack River and its tributaries in the State of Washington with a view to the control of its floods;
 H.R. 3363. An act to provide a preliminary examination of Skagit River and its tributaries in the State of Washington with a view to the control of its floods;
 H.R. 3423. An act for the relief of Benjamin Wright, deceased;
 H.R. 3768. An act to change the name of the retail liquor dealers' stamp tax in the case of retail drug stores or pharmacies;
 H.R. 3992. An act for the relief of C. A. Betz;
 H.R. 4272. An act for the relief of Annie Moran;
 H.R. 4541. An act for the relief of George Dacas;
 H.R. 4932. An act for the relief of Judd W. Hulbert;
 H.R. 4962. An act for the relief of Joseph B. Lynch;
 H.R. 5175. An act to provide a preliminary examination of the Green River, Wash., with a view to the control of its floods;
 H.R. 5312. An act to provide for the conveyance of the abandoned lighthouse reservation and buildings, including detached tower, situate within the city limits of Erie, Pa., to the city for public-park purposes;
 H.R. 5522. An act to amend the Standard Baskets Act of August 31, 1916, to provide for a 1-pound Climax basket for mushrooms;
 H.R. 5597. An act to afford permanent protection to the watershed and water supply of the city of Coquille, Coos County, Oreg.;
 H.R. 5636. An act for the relief of Jose Ramon Cordova;
 H.R. 5665. An act authorizing the control of floods in the Salmon River, Alaska;
 H.R. 5780. An act for the relief of Lt. H. W. Taylor, United States Navy;
 H.R. 5823. An act to authorize the purchase by the city of McMinnville, Oreg., of certain tracts of public lands and certain tracts revested in the United States under the act of June 9, 1916 (39 Stat. 218);
 H.R. 5935. An act for the relief of Oscar P. Cox;
 H.R. 6246. An act granting 6 months' pay to Annie Bruce;
 H.R. 6847. An act providing for the acquisition of additional lands for the naval air station at Hampton Roads Naval Operating Base, Norfolk, Va.;
 H.R. 6890. An act for the relief of Mrs. Pleasant Lawrence Parr;
 H.R. 7028. An act for the relief of Mrs. Joseph Roncoli;
 H.R. 7185. An act to authorize the purchase by the city of Forest Grove, Oreg., of certain tracts of public lands and certain tracts revested in the United States under the act of June 9, 1916 (39 Stat. 218);
 H.R. 7299. An act to authorize the Post Office Department to hold contractors responsible in damages for the loss, rifling, damage, wrong delivery, depredation upon, or other mistreatment of mail matter due to fault or negligence of the contractor or an agent or employee thereof;
 H.R. 7360. An act to establish a minimum area for the Great Smoky Mountains National Park, and for other purposes;
 H.R. 7367. An act for the relief of Sarah Smolen;
 H.R. 7653. An act to authorize the establishment of the Ocmulgee National Monument in Bibb County, Ga.;
 H.R. 7759. An act to amend the law relating to timber operations on the Menominee Indian Reservation in Wisconsin;
 H.R. 8234. An act to provide a preliminary examination of the Paint Rock River in Jackson County, Ala., with a view to the control of its floods;

H.R. 8541. An act to provide for the enrollment of members of the Menominee Indian Tribe of the State of Wisconsin;
 H.R. 8562. An act to provide for a preliminary examination of the Connecticut River with a view to the control of its floods and prevention of erosion of its banks in the State of Massachusetts;
 H.R. 8779. An act to authorize the Secretary of Agriculture to adjust claims to so-called "Olmstead lands" in the State of North Carolina;
 H.R. 8927. An act to define the exterior boundaries of the Navajo Indian Reservation in Arizona, and for other purposes;
 H.R. 9064. An act granting the consent of Congress to the State of Indiana to construct, maintain, and operate a free highway bridge across the Grand Calumet River near Clark Street, in Gary, Ind.;
 H.R. 9141. An act granting the consent of Congress to the State of Alabama, its agent or agencies, and to Colbert County and to Lauderdale County in the State of Alabama, and to the city of Sheffield, Colbert County, Ala., and to the city of Florence, Lauderdale County, Ala., or to any two of them, or to either of them, to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River at a point between the city of Sheffield, Ala., and the city of Florence, Ala., suitable to the interests of navigation;
 H.R. 9180. An act relating to the incorporation of Columbus University of Washington, District of Columbia, organized under and by virtue of a certificate of incorporation pursuant to the incorporation laws of the District of Columbia, as provided in subchapter 1 of chapter 18 of the Code of Laws of the District of Columbia;
 H.R. 9313. An act to extend the times for commencing and completing the construction of a bridge across the Savannah River at or near Burtons Ferry, near Sylvania, Ga.;
 H.R. 9320. An act to further extend the times for commencement and completing the construction of a bridge across the Missouri River at or near Garrison, N.Dak.; Stat. 506, sec. 2139; U.S.Rev.Stat., sec. 241, title 25, U.S.C.);
 H.R. 9392. An act to reclassify terminal railway post offices;
 H.R. 9400. An act to exempt from taxation certain property of the American Legion in the District of Columbia;
 H.R. 9430. An act to provide a preliminary examination of the Cowlitz River and its tributaries in the State of Washington, with a view to the control of its floods;
 H.R. 9431. An act to provide a preliminary examination of Chehalis River and its tributaries in the State of Washington, with a view to the control of its floods;
 H.R. 9432. An act to provide a preliminary examination of the Lewis River and its tributaries in the State of Washington, with a view to the control of its floods;
 H.R. 9433. An act to provide a preliminary examination of Columbia River and its tributaries in the State of Washington, with a view to the control of its flood waters;
 H.R. 9434. An act granting the consent of Congress for the construction of a dike or dam across the head of Camas Slough (Washougal Slough) to Lady Island on the Columbia River in the State of Washington;
 H.R. 9567. An act to extend the times for commencing and completing the construction of a bridge across the Missouri at or near Brownville, Nebr.;
 H.R. 9585. An act authorizing the city of Sault Ste. Marie, Mich., its successors and assigns, to construct, maintain, and operate a bridge across the St. Marys River at or near Sault Ste. Marie, Mich.;
 H.R. 9694. An act to amend the Emergency Railroad Transportation Act, 1933, approved June 16, 1933;
 On June 9, 1934:
 H.R. 3214. An act to compensate the Post Office Department for the extra work caused by the payment of money orders at offices other than those on which the orders are drawn;

H.R. 5334. An act to amend the third clause of section 14 of the act of March 3, 1879 (20 Stat. 359; U.S.C., title 39, sec. 226);

H.R. 6675. An act to authorize the acknowledgement of oaths by post-office inspectors and by chief clerks of the Railway Mail Service;

H.R. 7082. An act validating certain conveyances heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right-of-way, in and in the vicinity of the city of Lodi, and near the station of Acampo, and in the city of Tracy, all in the county of San Joaquin, State of California, and in or in the vicinity of Galt and Polk, in the county of Sacramento, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (12 Stat.L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat.L. 356);

H.R. 7098. An act validating certain conveyances heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right-of-way, in and in the vicinity of the town of Gridley, all in the county of Butte, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 25, 1866 (14 Stat.L. 239);

H.R. 7213. An act to provide hourly rates of pay for substitute laborers in the Railway Mail Service and time credits when appointed as regular laborer;

H.R. 7317. An act to provide for the final construction, on behalf of the United States, of postal treaties or conventions to which the United States is a party; and

H.R. 7711. An act to permit postmasters to act as disbursing officers for the payment of traveling expenses of officers and employees of the Postal Service.

THE LATE REPRESENTATIVE COFFIN

Mr. WHITE. Mr. Speaker, it becomes my sad duty to announce to the Members of the House that my colleague, Tom C. COFFIN, from the Second District of Idaho, passed away yesterday at 5 o'clock as the result of an accident which happened on the Capitol Grounds.

By the death of Mr. COFFIN we have lost one of our valuable Members in the House of Representatives. As a new Member, he has made an enviable record for effective work in support of the great recovery program formulated and being carried into operation by the present administration. By his devotion to the interests of our people and by his industry and application to his duties at the Capitol he has made a record which will endear him to the people of Idaho and will be cherished with increasing appreciation as time passes.

I desire further to announce to the House that there will be funeral services at the Lee Funeral Home, Stanton Park, tomorrow afternoon.

Mr. Speaker, I send to the desk the following resolution:

The Clerk read the resolution as follows:

House Resolution 427

Resolved, That the House has heard with profound sorrow of the death of the Honorable THOMAS C. COFFIN, a Representative from the State of Idaho.

Resolved, That a committee of four Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER appointed the following committee: Mr. WHITE, Mr. MOTT, Mr. SCRUGHAM, and Mr. HARTER.

The Clerk read the further resolution, as follows:

Resolved, That as a further mark of respect the House do now adjourn.

ADJOURNMENT

Accordingly (at 3 o'clock and 9 minutes p.m.) the House, as a further mark of respect, adjourned until Monday, June 11, 1934, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

498. A letter from the Chairman and Acting Secretary of the Reconstruction Finance Corporation, transmitting its report covering its operations for the first quarter of 1934, and for the period from the organization of the Corporation on February 2, 1932, to March 31, 1934, inclusive (H.Doc. No. 399); to the Committee on Banking and Currency and ordered to be printed.

499. A letter from the Acting Secretary of War, transmitting a copy of Resolution No. 617, of the Provincial Board of Cagayan, Philippine Islands, expressing gratitude for the enactment of Public, No. 127, Seventy-third Congress, the new Philippine Independence Act; to the Committee on Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII.

Mr. WILSON: Committee on Flood Control. H.R. 9670. A bill to provide a preliminary examination of the Willamette River and its tributaries in the State of Oregon with a view to the control of its floods; without amendment (Rept. No. 1927). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS of Oklahoma: Committee on Indian Affairs. S. 3396. An act to amend the act of January 30, 1897 (29 Stat. 508, sec. 2139; U.S.Rev.Stat., sec. 241, title 25, U.S.C.), transferring certain jurisdiction from War Department to the Department of the Interior; without amendment (Rept. No. 1928). Referred to the House Calendar.

Mr. KELLER: Committee on the Library. S. 3533. An act to amend the act entitled "An act creating the Mount Rushmore National Memorial Commission and defining its powers and purposes", approved February 25, 1929, and for other purposes; without amendment (Rept. No. 1929). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII.

Mr. MONTET: Committee on Military Affairs. H.R. 2571. A bill for the relief of George Tatum; without amendment (Rept. No. 1926). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MAY: A bill (H.R. 9894) to establish the Breaks of Sandy National Park in Virginia and Kentucky; to the Committee on the Public Lands.

By Mr. MOTT: A bill (H.R. 9895) authorizing the Chief of Army Engineers to use material dredged from the channels of the Columbia River for the purpose of strengthening the dikes and levees along said river; to the Committee on Rivers and Harbors.

By Mr. CARTWRIGHT: A bill (H.R. 9896) for the utilization of the recreational areas of the United States by a national parkway on a 200-foot right-of-way connecting the national parks; to the Committee on Roads.

By Mr. RANKIN: Resolution (H.Res. 426) to provide for the expenses of conducting the investigation authorized by House Resolution 409; to the Committee on Accounts.

By Mr. McREYNOLDS: Joint resolution (H.J.Res. 368) providing for membership of the United States in the International Labor Organization; to the Committee on Foreign Affairs.

By Mrs. GREENWAY: Joint resolution (H.J.Res. 369) to amend "An act to place the cotton industry on a sound commercial basis, to prevent unfair competition and practices in putting cotton into the channels of interstate and foreign

commerce, to provide funds for paying additional benefits under the Agricultural Adjustment Act, and for other purposes" (Public, No. 169, 73d Cong.), approved April 21, 1934; to the Committee on Agriculture.

By Mr. WOODRUM: Concurrent resolution (H.Con.Res. 45) to print and bind the proceedings in Congress and in Statuary Hall upon the acceptance in the Capitol of the statues of George Washington and Robert E. Lee, presented by the State of Virginia; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLAIBORNE: A bill (H.R. 9897) for the relief of Gertrude Becherer; to the Committee on Claims.

By Mr. DE PRIEST: A bill (H.R. 9898) to authorize the presentation to Thomas M. Dent, Jr., of a Distinguished Service Cross; to the Committee on Military Affairs.

By Mr. MOTT: A bill (H.R. 9899) authorizing and directing the Secretary of the Treasury to reimburse Carrol D. Ward for the losses sustained by him by reason of the negligence of an employee of the Civilian Conservation Corps; to the Committee on Claims.

By Mr. TRAEGER: A bill (H.R. 9900) for the relief of Lt. Col. Russell B. Putnam, United States Marine Corps; to the Committee on Claims.

By Mr. WOODRUM: Resolution (H.Res. 425) for the relief of Rosemonde E. Lafferty; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5084. By Mr. RUDD: Petition of the Progress Shoe Co., Brooklyn, N.Y., opposing the passage of the new Wagner disputes bill; to the Committee on Labor.

5085. Also, petition of the Chamber of Commerce of the State of New York, favoring a further study of the Wagner bill; to the Committee on Labor.

5086. Also, petition of the Brooklyn Real Estate Board, opposing the passage of the new Wagner disputes bill; to the Committee on Labor.

5087. Also, petition of the Chamber of Commerce of the State of New York, opposing the passage of the silver legislation; to the Committee on Coinage, Weights, and Measures.

5088. Also, petition of open-shop section of the New York Employing Printers Association, opposing the Wagner disputes bill; to the Committee on Labor.

5089. By the SPEAKER: Petition of the Citizens Association of Takoma, D.C.; to the Committee on the District of Columbia.

5090. Also, petition of W. E. Clark and others, supporting House bill 9596; to the Committee on Interstate and Foreign Commerce.

SENATE

MONDAY, JUNE 11, 1934

(Legislative day of Wednesday, June 6, 1934)

The Senate met at 11 o'clock a.m., on the expiration of the recess.

THE JOURNAL

On motion of Mr. ROBINSON of Arkansas, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Saturday, June 9, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. ROBINSON of Arkansas. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Bailey	Black	Bulkley
Ashurst	Bankhead	Bone	Bulow
Austin	Barbour	Borah	Byrd
Bachman	Barkley	Brown	Byrnes

Capper	George	Lonergan	Robinson, Ind.
Caraway	Gibson	Long	Russell
Carey	Glass	McCarran	Schall
Clark	Goldsborough	McGill	Sheppard
Connally	Gore	McKellar	Shipstead
Coolidge	Hale	McNary	Smith
Copeland	Harrison	Metcalf	Stelwer
Costigan	Hastings	Murphy	Stephens
Couzens	Hatch	Neely	Thomas, Okla.
Cutting	Hatfield	Norbeck	Thomas, Utah
Davis	Hayden	Norris	Thompson
Dickinson	Hebert	Nye	Townsend
Dill	Johnson	O'Mahoney	Tydings
Duffy	Kean	Overton	Wagner
Erickson	King	Patterson	Walcott
Fess	La Follette	Pittman	Walsh
Fletcher	Lewis	Reynolds	Wheeler
Frazier	Logan	Robinson, Ark.	White

Mr. LEWIS. I announce that the Senator from California [Mr. McAdoo] is detained from the Senate by illness, and that my colleague the junior Senator from Illinois [Mr. DIETERICH], the Senator from Florida [Mr. TRAMMELL], the Senator from Indiana [Mr. VAN NUYS] are necessarily detained. I ask that this announcement may stand for the day.

I wish further to announce that the Senator from Idaho [Mr. POPE] is absent in attendance on the funeral of the late Representative COFFIN, of Idaho.

Mr. HEBERT. I wish to announce that the Senator from New Hampshire [Mr. KEYES] and the Senator from Michigan [Mr. VANDENBERG] are necessarily absent.

I also wish to announce that the senior Senator from Pennsylvania [Mr. REED] is absent on account of illness.

I ask that these announcements may stand for the day.

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present.

PAYMENTS OF JUDGMENTS AND DEFICIENCY AND SUPPLEMENTAL ESTIMATES

The VICE PRESIDENT laid before the Senate four communications from the President of the United States, transmitting, pursuant to law, the following matters, which, with the accompanying papers, were severally referred to the Committee on Appropriations and ordered to be printed:

Deficiency estimate of appropriation for the District of Columbia for the fiscal year 1933, for judicial expenses, in the amount of \$390 (S.Doc. No. 209);

List of judgments rendered by the Court of Claims which have been submitted by the Attorney General through the Secretary of the Treasury and requiring an appropriation for their payment, under the War Department, \$62,306.10 (S.Doc. No. 212);

Deficiency estimate of appropriation for the fiscal year 1932 in the sum of \$70.70, and a supplemental estimate of appropriation for the fiscal year 1935, in the sum of \$50,000, amounting in all to \$50,070.70, under the Department of Justice (S.Doc. No. 211); and

Two supplemental estimates of appropriations for the Civil Service Commission, for the fiscal year 1935, in total amount of \$340,000 (S.Doc. No. 210).

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The VICE PRESIDENT announced his signature to the following enrolled bills and joint resolution, which had previously been signed by the Speaker of the House of Representatives:

S. 74. An act to authorize payment of expenses of formulating claims of the Kiowa, Comanche, and Apache Indians of Oklahoma against the United States, and for other purposes;

S. 870. An act for the relief of L. R. Smith;

S. 1173. An act for the relief of Gladding, McBean & Co.;

S. 2130. An act to authorize an appropriation for the purchase of land in Wyoming for use as rifle ranges for the Army of the United States;

S. 2674. An act to amend an act entitled "An act to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock